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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were Introduced in Lok Sabha on 28th February 1997.

BILL No. 21 OF 1997

A Bill further to amend the Coffee Act, 1942.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

- | | |
|---|--------------------------------|
| 1. (1) This Act may be called the Coffee (Amendment) Act, 1997. | Short title, and commencement. |
| (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | |
| 2. In section 3 of the Coffee Act, 1942 (hereinafter referred to as the principal Act), clauses (h) and (m) shall be omitted. | Amendment of section 3. |
| 3. In section 9 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—
“(1) The Central Government shall appoint a Secretary to the Board and may appoint a Deputy Secretary to the Board, to exercise such powers and to perform such duties under the direction of the Board as may be prescribed.” | Amendment of section 9. |
| 4. In section 10 of the principal Act, for the portion beginning with the words “except money in the pool” and ending with the words “had it continued to exist”, the words “shall be disposed of in such manner as the Central Government may direct” shall be substituted. | Amendment of section 10. |
| 5. In section 11 of the principal Act, for the words “fifty rupees”, the words “two hundred rupees” shall be substituted. | Amendment of section 11. |

Omission of
section 17.

Substitution of
new section
for section 18.
Sale of coffee,
how made.

Omission of
Sections 22,
24 and 25.
Amendment
of section 23.
Substitution of
new section
for section 26.
Sales of coffee
by the Board.

Amendment
of section 29.

Substitution of
new section
for section 30.
General fund to
be maintained
by the Board.

Amendment
of section 31.

Omission of
sections 32
and 32A.

Substitution of
new section
for section 33.

Power to
borrow.

Omission of
section 34.

6. Section 17 of the principal Act shall be omitted.

7. For section 18 of the principal Act, the following section shall be substituted, namely:—

“18. No registered owner shall sell coffee unless it has been cured at or is delivered to the buyer through a curing establishment licensed under section 28.”

8. Sections 22, 24 and 25 of the principal Act shall be omitted.

9. In section 23 of the principal Act, sub-section (2) shall be omitted.

10. For section 26 of the principal Act, the following section shall be substituted, namely:—

“26. (1) The Board shall purchase coffee from the Indian market whenever the Central Government so directs.”

(2) The Board shall sell or dispose of the coffee so purchased in such manner as the Central Government may direct.”

11. In section 29 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) A registered owner when sending coffee to a curing establishment shall report to the Board, separately for each estate from which coffee is sent, and the amount of coffee so sent”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Every —

(a) agent appointed by the Board to cure coffee shall maintain accounts in such forms as may be required by the Board; and

(b) curing establishment shall maintain the records of quantity of coffee received and processed.”

12. For section 30 of the principal Act, the following section shall be substituted, namely:—

“30. The Board shall, on and from the commencement of the Coffee (Amendment) Act, 1997, maintain a general fund and the unexpended balance of all money in the pool fund maintained by the Board immediately before such commencement shall, after settlement of liabilities, be merged in the general fund:

Provided that any liability against such pool fund that may arise in future shall be met out of the general fund.”

13. In section 31 of the principal Act, in sub-section (1), clause (b) shall be omitted.

14. Sections 32 and 32A of the principal Act shall be omitted.

15. For section 33 of the principal Act, the following section shall be substituted, namely:—

“33. The Board may, subject to any prescribed conditions, borrow on the security of the general fund for any purposes for which it is authorised to expend money from such fund.”

16. Section 34 of the principal Act shall be omitted.

17. In section 35 of the principal Act, for the words "one thousand rupees" and "five hundred rupees", the words "five thousand rupees" and "one thousand rupees" shall respectively be substituted. Amendment of section 35.
18. In section 36 of the principal Act,— Amendment of section 36.
- (i) in sub-section (1),—
- (a) the words and figures " or section 17" shall be omitted;
- (b) for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;
- (ii) sub-section (2) shall be omitted.
19. In section 37 of the principal Act, for the words "five hundred rupees", the words "five thousand rupees" shall be substituted. Amendment of section 37.
20. In section 37A of the principal Act, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted. Amendment of section 37A.
21. In section 38 of the principal Act,— Amendment of section 38.
- (i) the words and figures "in any return to be furnished under section 23 or" shall be omitted;
- (ii) for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;
22. Sections 38A and 38B of the principal Act shall be omitted. Omission of sections 38A and 38B.
23. In section 39 of the principal Act, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted. Amendment of section 39.
24. In section 43 of the principal Act, in sub-section (2), for the words "five rupees", the words "one hundred rupees" shall be substituted. Amendment of section 43.
25. Section 47 of the principal Act shall be omitted. Omission of Section 47.
26. In section 48 of the principal Act, in sub-section (2),— Amendment of section 48.
- (i) in clauses (x) and (xii), for the word "funds", the word "fund" shall be substituted;
- (ii) clause (xviii) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

One of the objectives of the Coffee Act, 1942 has been that all the growers shall compulsorily pool their produce to a common coffee pool. Coffee so pooled is to be marketed by the coffee Board and the proceeds distributed to the growers after deducting pool expenses. From the beginning of this decade, there has been persistent demand from growers that the pooling requirement should be scaled down and that the growers be allowed direct access to the market. Accordingly, for the first time during the coffee season 1992-93, an Internal Sale Quota of thirty per cent of the total produce was permitted to be retained by the growers for sale in the internal market.

2. In January, 1994, the Coffee Act, was amended to provide for a 'Free Sale Quota' (FSQ) by which the growers were required to pool fifty per cent. of the total coffee produced. The remaining fifty per cent. could be marketed by the growers in either internal or international market according to their choice. The pooling requirement was further reduced in April, 1995 and the Government allowed hundred per cent. Free Sale Quota to all the farmers owning plantations having area of ten hectares or less. The growers, owing plantation area exceeding ten hectares were required to pool thirty per cent. of their coffee with the Coffee Board.

3. After going into all aspects of the pooling policy and noting the enhanced capability of the growers to market their own coffee without Government intervention, the Government have decided in September, 1996 to abolish the pooling system altogether. Keeping the Coffee Policy, 1996 in view, Government has decided to effect necessary changes in the Coffee Act, 1942, by deleting certain provisions which govern the pooling of coffee with immediate effect. The Government has also decided to avail of the opportunity for rationalisation of penalties for violation of the various obligatory provisions of the Act, and enhancement of ceiling of duty of customs on coffee. The money thus raised will, *inter alia*, be utilised for undertaking further research, development and extension activities by the Coffee Board so that the objectives of reaching the target of coffee production of three lakh tonnes by the end of this century can be attained. The coffee year starts from 1st of July and ends on 30th of June following, but arrival of coffee begins from October. Therefore, hundred per cent. Free Sale Quota system which has been announced in September, 1996 needs to be formalised so that the growers and exporters are able to plan their activities in time.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 17th February, 1997.

B.B. RAMAIAH.

BILL No. 25 OF 1997

THE FINANCE BILL, 1997

ARRANGEMENT OF CLAUSES

CHAPTER I**PRELIMINARY****CLAUSES**

1. Short title and commencement.

CHAPTER II**RATES OF INCOME-TAX**

2. Income-tax.

CHAPTER III**DIRECT TAXES***Income-tax*

3. Amendment of section 10.
4. Amendment of section 16.
5. Amendment of section 35.
6. Insertion of new section 35AB.
7. Amendment of section 36.
8. Amendment of section 37.
9. Amendment of section 41.
10. Amendment of section 44AA.
11. Amendment of section 44AB.
12. Amendment of section 44AD.
13. Amendment of section 44AE.
14. Insertion of new section 44AF.
15. Amendment of section 44B.
16. Amendment of section 47.
17. Amendment of section 47A.
18. Amendment of section 48.
19. Amendment of section 55.
20. Amendment of section 57.
21. Omission of section 80AA.

22. Amendment of section 80AB.
23. Amendment of section 80G.
24. Omission of section 80GG.
25. Amendment of section 80-IA.
26. Omission of section 80JJ.
27. Amendment of section 80L.
28. Omission of section 80M.
29. Amendment of section 80-O.

CLAUSES

30. Amendment of section 88.
31. Substitution of new section for section 88B.
32. Amendment of section 115A.
33. Amendment of section 115AC.
34. Amendment of section 115AD.
35. Amendment of section 115C.
36. Substitution of new section for section 115E.
37. Amendment of section 115JA.
38. Insertion of new section 115JAA.
39. Omission of Chapter XII-C.
40. Insertion of new Chapter XIID.
41. Amendment of section 132.
42. Amendment of section 139.
43. Amendment of section 143.
44. Amendment of section 172.
45. Amendment of section 193.
46. Amendment of section 194.
47. Amendment of section 194B.
48. Amendment of section 195.
49. Amendment of section 196C.
50. Amendment of section 196D.
51. Amendment of section 205.
52. Amendment of section 271C.
53. Insertion of new section 271F.
54. Amendment of section 273B.
55. Substitution of new section for section 276B.
56. Amendment of section 281B.

Interest-tax

57. Amendment of section 4.
58. Amendment of section 21.

Expenditure-tax

59. Amendment of section 4 of Act 35 of 1987.

CHAPTER IV

THE VOLUNTARY DISCLOSURE OF INCOME AND WEALTH SCHEME, 1997

CLAUSES

60. Short title and commencement.
61. Definitions.
62. Charge of tax on voluntarily disclosed income.
63. Voluntary disclosure of wealth.
64. Particulars to be furnished in declaration.
65. Time for payment of tax.
66. Interest payable by declarant.
67. Voluntarily disclosed income not to be included in the total income.
68. Voluntarily disclosed income not to affect finality of completed assessments, etc.
69. Tax in respect of voluntarily disclosed income or wealth not refundable.
70. Declaration not admissible in evidence against declarant.
71. Secrecy of declaration.
72. Exemption from wealth-tax in respect of assets specified in declaration.
73. Applicability of certain provisions of Income-tax Act and of Chapter V of Wealth-tax Act.
74. Removal of doubts.
75. Power to remove difficulties.
76. Power to make rules.
77. Scheme not to apply to certain persons.

CHAPTER V

INDIRECT TAXES

Customs

78. Insertion of new section 8B.
79. Amendment of Act 51 of 1975.

Excise

80. Insertion of new section 4A.
81. Insertion of new section 14AA.
82. Amendment of Act 5 of 1986.
83. Amendment of Act 58 of 1957.

CHAPTER VI

SERVICE TAX

84. Amendment of Act 32 of 1994.

CHAPTER VII—

MISCELLANEOUS

85. Amendment of Act 6 of 1898.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

BILL No. 25 OF 1997

A Bill to give effect to the financial proposals of the Central Government for the financial year 1997-98.

Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Finance Act, 1997.

(2) Save as otherwise provided in this Act, sections 2 to 59 shall be deemed to have come into force on the 1st day of April, 1997.

Short title
and com-
mencement.

CHAPTER II

RATES OF INCOME-TAX

Income-tax

2. (1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 1997, income-tax shall be charged at the rates specified in Part I of the First Schedule and such tax shall be increased in the cases to which Paragraph E of that Part applies, by a surcharge, calculated in the manner provided therein.

(2) In the cases to which Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income exceeding six hundred rupees, in addition to total income, and the total income exceeds forty thousand rupees, then,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after the first forty thousand rupees of the total income but without being liable to tax], only for the purpose of charging income-tax in respect of the total income; and

(b) the income-tax chargeable shall be calculated as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax shall be determined in respect of the aggregate income at the rates specified in the said Paragraph A, as if such aggregate income were the total income;

(ii) the net agricultural income shall be increased by a sum of forty thousand rupees, and the amount of income-tax shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Paragraph A, as if the net agricultural income as so increased were the total income;

(iii) the amount of income-tax determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax in respect of the total income.

(3) In cases to which the provisions of Chapter XII or Chapter XII-A or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) apply, the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be;

43 of 1961.

Provided that the amount of income-tax computed in accordance with the provisions of sections 112 and 113 of the Income-tax Act shall be increased in the case of a domestic company by a surcharge as provided in Paragraph E of Part I of the First Schedule:

Provided further that in respect of any income chargeable to tax under section 115B, or in the case of a domestic company having a total income exceeding seventy-five thousand rupees under section 115BB of the Income-tax Act, the income-tax computed shall be increased by a surcharge calculated at the rate of seven-and-a-half per cent. of such income-tax.

(4) In cases in which tax has to be charged and paid under section 115-O of the Income-tax Act, the tax shall be charged and paid at the rate specified in that section.

(5) In cases in which tax has to be deducted under sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act at the rates in force, the deduction shall be made at the rates specified in Part II of the First Schedule.

(6) In cases in which tax has to be deducted under sections 194C, 194G, 194-I, 194J and 194K of the Income-tax Act, the deduction shall be made at the rates specified in those sections.

(7) In cases in which tax has to be collected under section 206C or under the proviso to section 194B of the Income-tax Act, the collection shall be made at the rates specified in that section or at the rate specified in Part II of the First Schedule, as the case may be.

(8) Subject to the provisions of sub-section (9), in cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" shall be so calculated, charged, deducted or computed at the rate or rates specified in Part III of the First Schedule:

Provided that in cases to which the provisions of Chapter XII or Chapter XII-A or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act apply, "advance tax" shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be.

(9) In the cases to which Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year,

in such other period, any net agricultural income exceeding six hundred rupees, in addition to total income and the total income exceeds forty thousand rupees, then, in calculating income-tax under the first proviso to sub-section (5) of section 132 of the Income-tax Act or in charging income-tax under sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or in computing the "advance tax" payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after the first forty thousand rupees of the total income but without being liable to tax], only for the purpose of calculating, charging or computing such income-tax or, as the case may be, "advance tax" in respect of the total income; and

(b) such income-tax or, as the case may be, "advance tax" shall be so calculated, charged or computed as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax or "advance tax" shall be determined in respect of the aggregate income at the rates specified in the said Paragraph A as if such aggregate income were the total income;

(ii) the net agricultural income shall be increased by a sum of forty thousand rupees, and the amount of income-tax or "advance tax" shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Paragraph A as if the net agricultural income as so increased were the total income;

(iii) the amount of income-tax or "advance tax" determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax or, as the case may be,

"advance tax" determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax or, as the case may be, "advance tax" in respect of the total income.

(10) For the purposes of this section and the First Schedule,—

(a) "domestic company" means an Indian company, or any other company which, in respect of its income liable to income-tax under the Income-tax Act for the assessment year commencing on the 1st day of April, 1997, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income;

(b) "insurance commission" means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance);

(c) "net agricultural income", in relation to a person, means the total amount of agricultural income, from whatever source derived, of that person computed in accordance with the rules contained in Part IV of the First Schedule;

(d) all other words and expressions used in this section or in the First Schedule but not defined in this sub-section and defined in the Income-tax Act shall have the meanings respectively assigned to them in that Act.

CHAPTER III

DIRECT TAXES

Income-tax

3. In section 10 of the Income-tax Act, with effect from the 1st day of April, 1998,—

(a) in clause (15), in sub-clause (iv), after item (i), in the Explanation, after clause (b), the following clause shall be inserted, namely:—

“(ba) the business of providing telecommunication services; or”;

(b) clause (15A) shall be omitted;

(c) in clause (17), in sub-clause (iii), for the words “six hundred rupees per month”, the words “two thousand rupees per month” shall be substituted;

Amendment
of section 10.

(d) in clause (23F), in the Explanation, in clause (c), for the words “engaged in the”, the words “engaged in the business of generation or generation and distribution of electricity or any other form of power or business of providing telecommunication services or in the” shall be substituted;

(e) in clause (23G), in the Explanation, for clause (c), the following clause shall be substituted, namely:—

“(c) “infrastructure facility” means—

(i) a road, highway, bridge, airport, port, rail system or any other public facility of a similar nature as may be notified by the Board in this behalf in the Official Gazette;

(ii) a water supply project, irrigation project, sanitation and sewerage system;

(iii) a project for generation or generation and distribution of electricity or any other form of power;

(iv) a project for providing telecommunication services;”

(f) clauses (26AA) and (28) shall be omitted.

(g) after clause (32), the following clause shall be inserted, namely:—

“(33) any income by way of dividends referred to in section 115-O;”

Amendment
of section 16.

4. In section 16 of the Income-tax Act, for clauses (i) and (ia), the following clause shall be substituted with effect from the 1st day of April, 1998, namely:—

“(i) a deduction of a sum equal to thirty-three and one-third per cent. of the salary or twenty thousand rupees, whichever is less.

Explanation.—For the removal of doubts, it is hereby declared that where, in the case of an assessee, salary is due from, or paid or allowed by, more than one employer, the deduction under this clause shall be computed with reference to the aggregate salary due, paid or allowed to the assessee and shall in no case exceed the amount specified under this clause.”

Amendment
of section 35.

5. In section 35 of the Income-tax Act, after sub-section (2AA), the following sub-section shall be inserted with effect from the 1st day of April, 1998, namely:

“(2AB)(1) Where a company engaged in the business of manufacture or production of any drugs, pharmaceuticals, electronic equipments, computers, telecommunication equipments, chemicals or any other article or thing notified by the Board incurs any expenditure on scientific research and such expenditure is of capital nature (not being expenditure in the nature of cost of any land or building) on in-house research and development facility as approved by the prescribed authority, then, there shall be allowed a deduction of a sum equal to one and one-fourth times of the expenditure so incurred.

(2) No deduction shall be allowed in respect of the expenditure mentioned in sub-section (1) under any other provision of this Act.

(3) No company shall be entitled for deduction under sub-section (1) unless it enters into an agreement with the prescribed authority for cooperation in such research and development facility and for audit of the accounts maintained for that facility.

(4) The prescribed authority shall submit its report in relation to the approval of the said facility to the Director General in such form and within such time as may be prescribed.”

Insertion of
new section
35ABB.

6. After section 35AB of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 1998, namely:—

Expenditure
for obtaining
licence to
operate
telecommuni-
cation
services.

“35ABB. (1) In respect of any expenditure, being in the nature of capital expenditure, incurred for acquiring any right to operate telecommunication services and for which payment has actually been made to obtain a licence, there shall, subject to and in accordance with the provisions of this section, be allowed for each of the relevant previous years, a deduction equal to the appropriate fraction of the amount of such expenditure.

Explanation.—For the purposes of this section:

(i) “relevant previous years” means the previous years beginning with the previous year in which the licence fee is actually paid and the subsequent previous year or years during which the licence, for which the fee is paid, shall be in force;

(ii) “appropriate fraction” means the fraction the numerator of which is one and the denominator of which is the total number of the relevant previous years;

(iii) “payment has actually been made” means the actual payment of expenditure irrespective of the previous year in which the liability for the expenditure was incurred according to the method of accounting regularly employed by the assessee.

(2) Where the licence is transferred and the proceeds of the transfer (so far as they consist of capital sums) are less than the expenditure incurred remaining unallowed, a deduction equal to such expenditure remaining unallowed, as reduced by the proceeds of the transfer, shall be allowed in respect of the previous year in which the licence is transferred.

(3) Where the whole or any part of the licence is transferred and the proceeds of the transfer (so far as they consist of capital sums) exceed the amount of the expenditure incurred remaining unallowed, so much of the excess as does not exceed the difference between the expenditure incurred to obtain the licence and the amount of such expenditure remaining unallowed shall be chargeable to income-tax as profits and gains of the business in the previous year in which the licence has been transferred.

Explanation.—Where the licence is transferred in a previous year in which the business is no longer in existence, the provisions of this sub-section shall apply as if the business is in existence in that previous year.

(4) Where the whole or any part of the licence is transferred and the proceeds of the transfer (so far as they consist of capital sums) are not less than the amount of expenditure incurred remaining unallowed, no deduction for such expenditure shall be allowed under sub-section (1) in respect of the previous year in which the licence is transferred or in respect of any subsequent previous year or years.

(5) Where a part of the licence is transferred in a previous year and sub-section (3) does not apply, the deduction to be allowed under sub-section (1) for expenditure incurred remaining unallowed shall be arrived at by—

(a) subtracting the proceeds of transfer (so far as they consist of capital sums) from the expenditure remaining unallowed; and

(b) dividing the remainder by the number of relevant previous years which have not expired at the beginning of the previous year during which the licence is transferred.

(6) Where, in a scheme of amalgamation, the amalgamating company sells or otherwise transfers the licence to the amalgamated company (being an Indian company),—

(i) the provisions of sub-sections (2), (3) and (4) shall not apply in the case of the amalgamating company; and

(ii) the provisions of this section shall, as far as may be, apply to the amalgamated company as they would have applied to the amalgamating company if the latter had not transferred the licence.”

7. In section 36 of the Income-tax Act,—

(a) in sub-section (1),—

(i) in clause (vii), in the proviso, for the words “a bank”, the words “an assessee” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1992;

(ii) in clause (viii), with effect from the 1st day of April, 1998,—

(A) for the words “special reserve created”, the words “special reserve created and maintained” shall be substituted;

(B) in the *Explanation*, for clause (d), the following clause shall be substituted, namely:—

“(d) “infrastructure facility” shall have the meaning assigned to it in clause (23G) of section 10.”;

(b) in sub-section (2), for clause (v), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1992, namely:—

“(v) where such debt or part of debt relates to advances made by an assessee to which clause (viii) of sub-section (1) applies, no such deduction shall be allowed unless the assessee has debited the amount of such debt or part of debt in that previous year to the provision for bad and doubtful debts account made under that clause.”

8. In section 37 of the Income-tax Act, sub-sections (2), (3), (4) and (5) shall be omitted with effect from the 1st day of April, 1998.

9. In section 41 of the Income-tax Act, with effect from the 1st day of April, 1998,—

Amendment
of section 36.

Amendment
of section 37.

Amendment
of section 41.

(a) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Where a deduction has been allowed in respect of any special reserve created and maintained under clause (viii) of sub-section (1) of section 36, any amount subsequently withdrawn from such special reserve shall be deemed to be the profits and gains of business or profession and accordingly be chargeable to income-tax as the income of the previous year in which such amount is withdrawn.

Explanation.—Where any amount is withdrawn from the special reserve in a previous year in which the business is no longer in existence, the provisions of this sub-section shall apply as if the business is in existence in that previous year.”;

(b) in sub-section (5), for the words, brackets and figure “or sub-section (4)”, the words, brackets, figures and letter “, sub-section (4) or sub-section (4A)” shall be substituted.

Amendment
of section
44AA.

10. In section 44AA of the Income-tax Act, in sub-section (2), in clause (ii), for the words “during such previous year,”, the following shall be substituted with effect from the 1st day of April, 1998, namely:—

“during such previous year; or

(iii) where the profits and gains from the business are deemed to be the profits and gains of the assessee under section 44AD or section 44AE or section 44AF, as the case may be, and the assessee has claimed his income to be lower than the profits or gains so deemed to be the profits and gains of his business, as the case may be, during such previous year.”.

Amendment
of section
44AB.

11. In section 44AB of the Income-tax Act, in clause (b), for the words “previous year,”, the following shall be substituted with effect from the 1st day of April, 1998, namely:—

“previous year, or

(c) carrying on the business shall, if the profits and gains from the business are deemed to be the profits and gains of such person under section 44AD or section 44AE or section 44AF, as the case may be, and he has claimed his income to be lower than the profits or gains so deemed to be the profits and gains of his business, as the case may be, in any previous year.”.

Amendment
of section
44AD.

12. In section 44AD of the Income-tax Act, in sub-section (2), after the words and figures “sections 30 to 38”, the words, brackets, letter and figures “and clause (b) of section 40” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1994.

Amendment
of section
44AE.

13. In section 44AE of the Income-tax Act, in sub-section (3), after the words and figures “sections 30 to 38”, the words, brackets, letter and figures “and clause (b) of section 40” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1994.

Insertion of
new section
44AF.

14. After section 44AE of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 1998, namely:—

‘44AF. (1) Notwithstanding anything to the contrary contained in sections 28 to 43C, in the case of an assessee engaged in retail trade in any goods or merchandise, a sum equal to five per cent. of the total turnover in the previous year on account of such business or, as the case may be, a sum higher than the aforesaid sum as declared by the assessee in his return of income shall be deemed to be the profits and gains of such business chargeable to tax under the head “Profits and gains of business or profession”:

Provided that nothing contained in this sub-section shall apply in respect of an assessee whose total turnover exceeds an amount of forty lakh rupees in the previous year.

(2) Any deduction allowable under the provisions of sections 30 to 38 and clause (b) of section 40 shall, for the purposes of sub-section (1), be deemed to have been already given full effect to and no further deduction under those sections shall be allowed.

(3) The written down value of any asset used for the purpose of the business referred to in sub-section (1) shall be deemed to have been calculated as if the assessee had claimed and had been actually allowed the deduction in respect of the depreciation for each of the relevant assessment years.

(4) The provisions of sections 44AA and 44AB shall not apply in so far as they relate to the business referred to in sub-section (1) and in computing the monetary limits under those sections, the total turnover or, as the case may be, the income from the said business shall be excluded.

(5) Nothing contained in the foregoing provisions of this section shall apply where the assessee claims and produces evidence to prove that the profits and gains from the aforesaid business are lower

Special
provisions for
computing
profits and
gains of retail
business.

than the profits and gains specified in sub-section (1) and thereupon the Assessing Officer shall proceed to make an assessment of the total income or loss of the assessee and determine the sum payable by the assessee on the basis of assessment made under sub-section (3) of section 143.

15. In section 44B of the Income-tax Act, after sub-section (2), the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1976, namely:—

Amendment of section 44B.

“Explanation.—For the purposes of this sub-section, the amount referred to in clause (i) or clause (ii) shall include the amount paid or payable or received or deemed to be received, as the case may be, by way of demurrage charges or handling charges or any other amount of similar nature.”.

16. In section 47 of the Income-tax Act, after clause (x), the following clauses shall be inserted with effect from the 1st day of April, 1998, namely:—

Amendment of section 47.

‘(xi) any transfer made on or before the 31st day of December, 1997 by a person (not being a company) of a capital asset being membership of a recognised stock exchange to a company in exchange of shares allotted by that company to the transferor.

42 of 1956.

Explanation.—For the purposes of this clause, the expression “membership of a recognised stock exchange” means the membership of a stock exchange in India which is recognised under the provisions of the Securities Contract (Regulation) Act, 1956;

1 of 1986.

(xii) any transfer of a capital asset, being land of a sick industrial company, made under a scheme prepared and sanctioned under section 18 of the Sick Industrial Companies (Special Provisions) Act, 1985 where such sick industrial company is being managed by its workers’ co-operative:

Provided that such transfer is made during the period commencing from the previous year in which the said company has become a sick industrial company under sub-section (1) of section 17 of that Act and ending with the previous year during which the entire net worth of such company becomes equal to or exceeds the accumulated losses.

1 of 1986.

Explanation.—For the purposes of this clause, “net worth” shall have the meaning assigned to it in clause (ga) of sub-section (1) of section 3 of the Sick Industrial Companies (Special Provisions) Act, 1985.’

17. Section 47A of the Income-tax Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted with effect from the 1st day of April, 1998, namely:—

Amendment of section 47A.

‘(2) Where at any time, before the expiry of a period of three years from the date of the transfer of a capital asset referred to in clause (xi) of section 47, any of the shares allotted to the transferor in exchange of a membership in a recognised stock exchange are transferred, the amount of profits and gains not charged under section 45 by virtue of the provisions contained in clause (xi) of section 47 shall, notwithstanding anything contained in the said clause, be deemed to be the income chargeable under the head “Capital gains” of the previous year in which such shares are transferred.’

18. In section 48 of the Income-tax Act, after the second proviso, the following proviso shall be inserted with effect from the 1st day of April, 1998, namely:—

Amendment of section 48.

“Provided also that nothing contained in the second proviso shall apply to the long-term capital gain arising from the transfer of a long-term capital asset being bond or debenture.”.

19. In section 55 of the Income-tax Act, with effect from the 1st day of April, 1998,—

Amendment of section 55.

(a) in sub-section (1), in clause (b) in sub-clause (1), after the words “goodwill of a business”, the words “or a right to manufacture, produce or process any article or thing” shall be inserted;

(b) in sub-section (2), in clause (a), after the words “being goodwill of a business”, the words “or a right to manufacture, produce or process any article or thing,” shall be inserted.

20. In section 57 of the Income-tax Act, in clause (iia), for the words “twelve thousand rupees”, the words “fifteen thousand rupees” shall be substituted with effect from the 1st day of April, 1998.

Amendment of section 57.

21. Section 80AA of the Income-tax Act shall be omitted with effect from the 1st day of April, 1998.

Omission of section 80AA.

22. In section 80AB of the Income-tax Act, the brackets, words, figures and letter “(except section 80M)” shall be omitted with effect from the 1st day of April, 1998.

Amendment of section 80AB.

23. In section 80G of the Income-tax Act with effect from the 1st day of April, 1998,—

Amendment of section 80G.

(a) in sub-section (1), in clause (i), after the word, brackets, figures and letters “sub-clause (ii)(e)”, the words, brackets, figures and letters “or sub-clause (ii)(f)” shall be inserted;

(b) in sub-section (2), in clause (a), after sub-clause (ii)(e), the following sub-clause shall be inserted, namely:—

“(iii) the Chief Minister’s Relief Fund or the Lieutenant Governor’s Relief Fund in respect of any State or Union territory, as the case may be:

Provided that such Fund is—

- (a) the only Fund of its kind established in the State or the Union territory, as the case may be;
- (b) under the overall control of the Chief Secretary or the Department of Finance of the State or the Union territory, as the case may be;
- (c) administered in such manner as may be specified by the State Government or the Lieutenant Governor, as the case may be; or”.

Omission of section 80GG. 1998. 24. Section 80GG of the Income-tax Act shall be omitted with effect from the 1st day of April, 1998.

Amendment of section 80-IA. 25. In section 80-IA of the Income-tax Act,—

- (a) in sub-section (1), after the words “scientific and industrial research and development”,—
 - (i) the words “or providing telecommunication services whether basic or cellular” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1996;
 - (ii) after the words “or providing telecommunication services whether basic or cellular” as so inserted the words “or operating an industrial park” shall be inserted with effect from the 1st day of April, 1998;
- (b) in sub-section (4), with effect from the 1st day of April, 1999,—
 - (i) for the portion beginning with the words “This section applies—” and ending with the words, brackets and figures “either of the conditions (iii) or (iv) are fulfilled, namely:—”, the following shall be substituted, namely:—

“This section applies to the business of any hotel—

- (a) where conditions (i), (ii) and (v); and
- (b) either of the conditions (iii) or (iv); or
- (c) either of the conditions (iiia) or (iva),

are fulfilled, namely:—”;

(ii) after clause (iii), the following clause shall be inserted, namely:—

“(iiia) the business of the hotel, located in a hilly area or a rural area or a place of pilgrimage or such other place as the Central Government may, having regard to the need for development of infrastructure for tourism in any place and other relevant considerations, specify for the purpose of this clause, starts functioning at any time during the period beginning on the 1st day of April, 1998 and ending on the 31st day of March, 2002:

Provided that nothing contained in this clause shall apply to any hotel located at a place within the municipal jurisdiction (whether known as a municipality, municipal corporation, notified area committee, town area committee or a cantonment board or by any other name) of Calcutta, Chennai, Delhi and Mumbai;”;

(iii) after clause (iv), the following clause shall be inserted, namely:—

“(iva) the business of the hotel, located in a place other than a place referred to in clause (iiia) of this sub-section and not being located at a place within the municipal jurisdiction (whether known as a municipality, municipal corporation, notified area committee, town area committee or a cantonment board or by any other name) of Calcutta, Chennai, Delhi and Mumbai, starts functioning at any time during the period beginning on the 1st day of April, 1998 and ending on the 31st day of March, 2002;”;

(c) after sub-section (4B), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1996, namely:—

“(4C) This section applies to any undertaking which starts providing telecommunication services whether basic or cellular at any time on or after the 1st day of April, 1995 but before the 31st day of March, 2000.”;

(d) after sub-section (4C) as so inserted, the following sub-section shall be inserted with effect from the 1st day of April, 1998, namely:—

“(4D) This section applies to any undertaking which begins to operate an industrial park notified by the Central Government in accordance with the scheme framed and notified by that Government for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002.”;

(e) in sub-section (5),—

(i) after clause (ib), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1996, namely:—

“(ic) in the case of an undertaking referred to in sub-section (4C) or sub-section (4D), hundred per cent. of the profits and gains derived from such business for the initial five assessment years and thereafter, twenty-five per cent. of the profits and gains derived from such business:

Provided that, where the assessee is a company, the provisions of this clause shall have effect as if for the words “twenty-five per cent.”, the words “thirty per cent.” had been substituted;”;

(ii) after clause (ii), the following clause shall be inserted with effect from the 1st day of April, 1998, namely:—

“(iia) in the case of a hotel referred to in clause (iia) of sub-section (4), fifty per cent. of the profits and gains derived from the business of such hotel:

Provided that the said hotel is approved by the prescribed authority for the purposes of this clause in accordance with the rules made under this Act;”;

(iii) in clause (iii), after the word, brackets and figures “clause (iv)”, the words, brackets, figures and letter “or clause (iva)” shall be inserted;

(f) in sub-section (6),—

(i) after clause (v), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1996, namely:—

“(vi) ten in the case of an assessee, being an undertaking referred to in sub-section (4C), deriving profits and gains from telecommunication services whether basic or cellular;”;

(ii) after clause (vi) as so inserted, the following clause shall be inserted with effect from the 1st day of April, 1998, namely:—

“(vii) ten in the case of an assessee, being an undertaking referred to in sub-section (4D), deriving profits and gains from operating an industrial park.”.

26. Section 80JJ of the Income-tax Act shall be omitted with effect from the 1st day of April, 1998.

Omission of section 80JJ.

27. In section 80L of the Income-tax Act, in sub-section (1) with effect from the 1st day of April, 1998,—

Amendment of section 80L.

(a) clause (iv) shall be omitted;

(b) in clause (x), the words “, or dividend received from,” shall be omitted;

(c) in the proviso, for the word, brackets and figures “clause (iv)”, the word, brackets and figure “clause (i)” shall be substituted.

28. Section 80M of the Income-tax Act shall be omitted with effect from the 1st day of April, 1998.

Omission of section 80M.
Amendment of section 80-O.

29. In section 80-O of the Income-tax Act, for the portion beginning with the words “any income by way of royalty” and ending with the words “outside India to such Government or enterprise by the assessee,” the words “any income received by the assessee from the Government of a foreign State or foreign enterprise in consideration for the use outside India of any patent, invention, design or registered trade mark” shall be substituted with effect from the 1st day of April, 1998.

30. In section 88 of the Income-tax Act, in sub-section (2), in clause (xvi), in the *Explanation*, in clause (i), after the word “power”, the words “or for providing telecommunication services whether basic or cellular” shall be inserted with effect from the 1st day of April, 1998.

Amendment of section 88.

31. For section 88B of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1998, namely:—

Substitution of new section for section 88B.
Rebate of income-tax in case of individuals of sixty-five years or above.

“88B. An assessee, being an individual resident in India, who is of the age of sixty-five years or more at any time during the previous year shall be entitled to a deduction from the amount of income-tax (as computed before allowing the deductions under this Chapter) on his total income, with which he is chargeable for any assessment year, of an amount equal to hundred per cent. of such income-tax or an amount of ten thousand rupees, whichever is less.”.

32. In section 115A of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1998,—

Amendment of section 115A.

(a) in clause (a), for the word “dividends”, wherever it occurs, the words “dividends other than dividends referred to in section 115-O” shall be substituted;

(b) in clause (b), for sub-clauses (A) and (B), the following sub-clauses shall be substituted, namely:—

“(A) the amount of income-tax calculated on the income by way of royalty, if any, included in the total income, at the rate of thirty per cent. if such royalty is received in pursuance of an agreement made on or before the 31st day of May, 1997 and twenty per cent. where such royalty is received in pursuance of an agreement made after the 31st day of May, 1997;

(B) the amount of income-tax calculated on the income by way of fees for technical services, if any, included in the total income, at the rate of thirty per cent. if such fees for technical services are received in pursuance of an agreement made on or before the 31st day of May, 1997 and twenty per cent. where such fees for technical services are received in pursuance of an agreement made after the 31st day of May, 1997; and”.

Amendment of section 115AC.

Amendment of section 115AD.

33. In section 115AC of the Income-tax Act, for the word “dividends”, wherever it occurs, the words “dividends other than dividends referred to in section 115-O” shall be substituted with effect from the 1st day of April, 1998.

Amendment of section 115C.

34. In section 115AD of the Income-tax Act, in sub-section (1), in clause (a), for the word “income”, the words “income other than income by way of dividends referred to in section 115-O” shall be substituted with effect from the 1st day of April, 1998.

Substitution of new section for section 115E.

35. In section 115C of the Income-tax Act, in clause (c), for the words “income derived”, the words “income derived other than dividends referred to in section 115-O” shall be substituted with effect from the 1st day of April, 1998.

Tax on investment income and longterm capital gains.

36. For section 115E of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1998, namely:—

“115E. Where the total income of an assessee, being a non-resident Indian, includes—

(a) any income from investment or income from long-term capital gains of an asset other than a specified asset;

(b) income by way of long-term capital gains,

the tax payable by him shall be the aggregate of—

(i) the amount of income-tax calculated on the income in respect of investment income referred to in clause (a), if any, included in the total income, at the rate of twenty per cent.;

(ii) the amount of income-tax calculated on the income by way of long-term capital gains referred to in clause (b), if any, included in the total income, at the rate of ten per cent.; and

(iii) the amount of income-tax with which he would have been chargeable had his total income been reduced by the amount of income referred to in clauses (a) and (b).”.

Amendment of section 115JA

37. In section 115JA of the Income-tax Act, in sub-section (2),—

(a) in clause (vii), in the Explanation, the word “or” shall be inserted at the end;

(b) after clause (vii) as so amended, the following clause shall be inserted with effect from the 1st day of April, 1998, namely:—

“(viii) the amount of profits, derived from the export of goods or merchandise to which section 80HHC applies, computed in the manner provided in that section.”.

Insertion of new section 115JAA.

Tax credit in respect of tax paid on deemed income relating to certain companies.

38. After section 115JA of the Income-tax Act, the following section shall be inserted, namely:—

“115JAA. (1) Where any amount of tax is paid under sub-section (1) of section 115JA by an assessee being a company for any assessment year, then, credit in respect of tax so paid shall be allowed to him in accordance with the provisions of this section.

(2) The tax credit to be allowed under sub-section (1) shall be the difference of the tax paid for any assessment year under sub-section (1) of section 115JA and the amount of tax payable by the assessee on his total income computed in accordance with the other provisions of this Act:

Provided that no interest shall be payable on the tax credit allowed under sub-section (1).

(3) The amount of tax credit determined under sub-section (2) shall be carried forward and set off in accordance with the provisions of sub-section (4) and sub-section (5) but such carry forward shall not be allowed beyond the fifth assessment year immediately succeeding the assessment year in which tax credit becomes allowable under sub-section (1).

(4) Tax credit shall be allowed set-off in a year when tax becomes payable on the total income computed in accordance with the provisions of this Act, other than section 115JA.

(5) Set off in respect of brought forward tax credit shall be allowed for any assessment year to the extent of the difference between the tax on his total income and the tax which would have been payable under the provisions of sub-section (1) of section 115JA for that assessment year.

(6) Where as a result of an order under sub-section (1) of section 143, section 147, section 154, section 155, sub-section (4) of section 245D, section 250, section 254, section 260, section 262, section 263 or section 264, the amount of tax payable under this Act is reduced or increased, as the case may be, the amount of tax credit allowed under this section shall also be increased or reduced accordingly.”.

39. Chapter XII-C of the Income-tax Act shall be omitted with effect from 1st day of April, 1998.

40. After section 115N of the Income-tax Act, the following Chapter shall be inserted with effect from 1st day of June, 1997, namely:—

Omission of
Chapter XII-C.
Insertion of new
Chapter XII-D.

‘CHAPTER XII- D

SPECIAL PROVISIONS RELATING TO TAX ON DISTRIBUTED PROFITS OF DOMESTIC COMPANIES

115-O. (1) Notwithstanding anything contained in any other provision of this Act and subject to the provisions of this section, in addition to the income-tax chargeable in respect of the total income of a domestic company for any assessment year, any amount declared, distributed or paid by such company by way of dividends (whether interim or otherwise) on or after the 1st day of June, 1997, whether out of current or accumulated profits shall be charged to additional income-tax (hereafter referred to as tax on distributed profits) at the rate of ten per cent.

Tax on
distributed
profits of
domestic
companies.

(2) The principal officer of the domestic company and the company shall be liable to pay the tax on distributed profits to the credit of the Central Government within fourteen days from the date of declaration of dividends.

(3) The tax on distributed profits so paid by the company shall be treated as the final payment of tax in respect of the amount declared, distributed or paid as dividends and no further credit therefor shall be claimed by the company or by any other person in respect of the amount of tax so paid.

(4) No deduction under any other provision of this Act shall be allowed to the company or a shareholder in respect of the amount which has been charged to tax under sub-section (1).

115P. Where the principal officer of a domestic company and the company fails to pay the whole or any part of the tax on distributed profits referred to in sub-section (1) of section 115-O, within the time allowed under sub-section (2) of that section, he or it shall be liable to pay simple interest at the rate of two per cent. for every month or part thereof on the amount of such tax for the period beginning on the date immediately after the last date on which such tax was payable and ending with the date on which the tax is actually paid.

Interest
payable for
non-payment
of tax by
domestic
companies.

115Q. If any principal officer of a domestic company and the company does not pay tax on distributed profits in accordance with the provisions of section 115-O, then, he or it shall be deemed to be an assessee in default in respect of the amount of tax payable by him or it and all the provisions of this Act for the collection and recovery of income tax shall apply.

When
company is
deemed to be
in default.

Explanation.—For the purposes of this Chapter, the expression “distributed profits” shall have the same meaning as is given to “dividend” in clause (22) of section 2 but shall not include sub-clause (e) thereof.’.

41. In section 132 of the Income-tax Act,—

Amendment
of section
132.

(a) in sub-section (8), for the words “Chief Commissioner or Commissioner”, at both the places where they occur, the words “Chief Commissioner, Commissioner, Director General or Director” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 1996;

(b) in sub-section (10), for the words “Chief Commissioner or Commissioner”, the words “Chief Commissioner, Commissioner, Director General or Director” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 1996.

42. In section 139 of the Income-tax Act, in sub-section (1),—

Amendment
of section
139.

(i) the following proviso shall be inserted, namely:—

“Provided that a person, not furnishing return under this sub-section and residing in such

area as may be specified by the Board in this behalf by a notification in the Official Gazette, and who at any time during the previous year fulfils any two of the following conditions, namely:—

(i) is in occupation of an immovable property exceeding a specified floor area, whether by way of ownership, tenancy or otherwise, as may be specified by the Board in this behalf; or

(ii) is the owner or the lessee of a motor vehicle; or

(iii) is a subscriber to a telephone; or

(iv) has incurred expenditure for himself or any other person on travel to any foreign country,

shall furnish a return, of his income during the previous year, on or before the due date in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed.”;

(ii) after *Explanation 2*, the following *Explanation* shall be inserted, namely:—

‘*Explanation 3*.—For the purpose of this sub-section, the expression “motor vehicle” shall have the meaning assigned to it in clause (28) of section 2 of the Motor Vehicles Act, 1988.’;

59 of 1988.

Amendment of section 143. 43. In section 143 of the Income-tax Act, in sub-section (1), in clause (a), for the second proviso, the following proviso shall be substituted with effect from the 1st day of April, 1998, namely:—

“Provided further that an intimation shall be sent to the assessee whether or not any adjustment has been made under the first proviso and notwithstanding that no tax or interest is due from him.”.

Amendment of section 172. 44. In section 172 of the Income-tax Act, after sub-section (7), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1976, namely:—

“(8) For the purposes of this section, the amount referred to in sub-section (2) shall include the amount paid or payable by way of demurrage charge or handling charge or any other amount of similar nature.”.

Amendment of section 193. 45. In section 193 of the Income-tax Act, in the proviso, with effect from the 1st day of June, 1997,—

(a) clause (iiia) shall be omitted;

(b) for clause (iv), the following clause shall be substituted, namely:—

“(iv) any interest payable on any security of the Central Government or a State Government.”.

Amendment of section 194. 46. In section 194 of the Income-tax Act, after the proviso, the following proviso shall be inserted with effect from the 1st day of June, 1997, namely:—

“Provided further that no such deduction shall be made in respect of any dividends declared, distributed or paid, as the case may be, on or after the 1st day of June, 1997.”.

Amendment of section 194B. 47. In section 194B of the Income-tax Act, after the proviso, the following proviso shall be inserted with effect from the 1st day of June, 1997, namely:—

“Provided further that in a case where the winnings are wholly in kind or partly in cash and partly in kind but the part in cash is not sufficient to meet the liability of deduction of tax in respect of whole of the winnings, the person responsible for paying shall, before releasing the winnings, ensure that tax has been paid in respect of the winnings.”.

Amendment of section 195. 48. In section 195 of the Income-tax Act, in sub-section (1), after the first proviso, the following proviso shall be inserted with effect from the 1st day of June, 1997, namely:—

“Provided further that no such deduction shall be made in respect of any dividends declared, distributed or paid, as the case may be, on or after the 1st day of June, 1997.”.

Amendment of section 196C. 49. In section 196C of the Income-tax Act, the following proviso shall be inserted with effect from the 1st day of June, 1997, namely:—

“Provided that no such deduction shall be made in respect of any dividends declared, distributed or paid, as the case may be, on or after the 1st day of June, 1997.”.

Amendment of section 196D. 50. In section 196D of the Income-tax Act, in sub-section (1), the following proviso shall be inserted with effect from the 1st day of June, 1997, namely:—

"Provided that no such deduction shall be made in respect of any dividends declared, distributed or paid, as the case may be, on or after the 1st day of June, 1997."

51. Section 206 of the Income-tax Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

Amendment of section 206.

"(2) Notwithstanding anything contained in any other law for the time being in force, a return filed on a floppy, diskette, magnetic cartridge tape, CD-ROM or any other computer readable media as may be specified by the Board (hereinafter referred to as the computer media) shall be deemed to be a return for the purposes of this section and the rules made thereunder and shall be admissible in any proceedings thereunder, without further proof of production of the original, as evidence of any contents of the original or of any fact stated therein.

(3) A return filed under sub-section (2) shall fulfil the following conditions, namely:—

(a) while receiving returns on computer media, necessary checks by scanning the documents filed on computer media will be carried out and the media will be duly authenticated by the Assessing Officer; and

(b) the Assessing Officer shall also take due care to preserve the computer media by duplicating, transferring, mastering or storage without loss of data."

52. In section 271C of the Income-tax Act, for sub-section (1), the following sub-section shall be substituted with effect from the 1st day of June, 1997, namely:—

Amendment of section 271C.

"(1) If any person fails to—

(a) deduct the whole or any part of the tax as required by or under the provisions of Chapter XVII-B; or

(b) pay the whole or any part of the tax as required by or under,—

(i) sub-section (2) of section 115-O; or

(ii) second proviso to section 194B,

then, such person shall be liable to pay, by way of penalty, a sum equal to the amount of tax which such person failed to deduct or pay as aforesaid."

53. After section 271E of the Income-tax Act, the following section shall be inserted, namely:—

Insertion of new section 271F.

"271F. If a person who is required to furnish a return of his income as required by the proviso to sub-section (1) of section 139 fails to furnish such return on or before the due date, he shall be liable to pay by way of penalty, a sum of five hundred rupees."

Penalty for failure to furnish return of income.

54. In section 273B of the Income-tax Act, after the word, figures and letter "section 271E", the word, figures and letter "section 271F" shall be inserted.

Amendment of section 273B.

55. For section 276B of the Income-tax Act, the following section shall be substituted with effect from the 1st day of June, 1997, namely:—

Substitution of new section for section 276B. Failure to pay tax to the credit of Central Government under Chapter XXII-B or XVII-B.

"276B. If a person fails to pay to the credit of the Central Government,—

(a) the tax deducted at source by him as required by or under the provisions of Chapter XVII-B; or

(b) the tax payable by him, as required by or under,—

(i) sub-section (2) of section 115-O; or

(ii) second proviso to section 194B,

he shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine."

56. In section 281B of the Income-tax Act, in sub-sections (1) and (2), for the words "Chief Commissioner or Commissioner", the words "Chief Commissioner, Commissioner, Director General or Director" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 1996.

Amendment of section 281B.

Interest-tax

45 of 1974.

57. In section 4 of the Interest-tax Act, 1974 (hereinafter referred to as the Interest-tax Act), in sub-section (2), the following proviso shall be inserted with effect from the 1st day of April, 1998, namely:—

Amendment of section 4.

"Provided that the rate at which interest-tax shall be charged in respect of any chargeable interest accruing or arising after the 31st day of March, 1997 shall be two per cent. of such chargeable interest."

Amendment of section 21. 58. In section 21 of the Interest-tax Act, after the figures and brackets "2(44)", the figures ",119" shall be inserted and shall be deemed to have been inserted with effect from the 1st day of October, 1991.

Expenditure-tax

Amendment of section 4. 59. In section 4 of the Expenditure-tax Act, 1987, in clause (a), after the proviso, the following proviso shall be inserted with effect from the 1st day of April, 1999, namely:— 35 of 1987.

"Provided further that nothing in this clause shall apply in the case of a hotel referred to in clause (ii) of sub-section (5) of section 80-IA of the Income-tax Act, 1961 during the period beginning on the 1st day of April, 1999 and ending on the 31st day of March, 2009." 43 of 1961.

CHAPTER IV

THE VOLUNTARY DISCLOSURE OF INCOME AND WEALTH SCHEME, 1997

Short title and commencement. 60. (1) This Scheme may be called the Voluntary Disclosure of Income and Wealth Scheme, 1997.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions. 61. In this Scheme, unless the context otherwise requires,—

(a) "declarant" means a person making the declaration under sub-section (1) of section 62 or sub-section (1) of section 63;

(b) "Income-tax Act" means the Income-tax Act, 1961; 43 of 1961.

(c) "Wealth-tax Act" means the Wealth-tax Act, 1957; 27 of 1957.

(d) all other words and expressions used in this Scheme but not defined and defined in the Income-tax Act or the Wealth-tax Act shall have the meanings respectively assigned to them in those Acts.

Charge of tax on voluntarily disclosed income. 62. (1) Subject to the provisions of this Scheme, where any person makes, on or after the date of commencement of this Scheme but on or before the 31st day of December, 1997, a declaration in accordance with the provisions of section 64 in respect of any income chargeable to tax under the Income-tax Act for any assessment year—

(a) for which he has failed to furnish a return under section 139 of the Income-tax Act;

(b) which he has failed to disclose in a return of income furnished by him under the Income-tax Act before the date of commencement of this Scheme;

(c) which has escaped assessment by reason of the omission or failure on the part of such person to make a return under the Income-tax Act or to disclose fully and truly all material facts necessary for his assessment or otherwise,

then, notwithstanding anything contained in the Income-tax Act or in any Finance Act, income-tax shall be charged in respect of the income so declared (such income being hereinafter referred to as the voluntarily disclosed income) at the rates specified hereunder, namely:—

(i) in the case of a declarant, being a company or a firm, at the rate of 35 per cent. of the voluntarily disclosed income;

(ii) in the case of a declarant, being a person other than a company or a firm, at the rate of 30 per cent. of the voluntarily disclosed income.

(2) Nothing contained in sub-section (1) shall apply in relation to—

(i) the income assessable for any assessment year for which a notice under section 142 or section 148 of the Income-tax Act has been served upon such person and the return has not been furnished before the commencement of this Scheme.

(ii) the income in respect of the previous year in which a search under section 132 of the Income-tax Act or under section 37A of the Wealth-tax Act was initiated or requisition under section 132A of the Income-tax Act or under section 37B of the Wealth-tax Act was made, or in respect of any earlier previous year.

63. (1) Subject to the provisions of this section, where any person makes, on or after the date of commencement of this Scheme but on or before the 31st day of December, 1997, a declaration in respect of—

Voluntary disclosure of wealth.

(a) the net wealth chargeable to wealth-tax for any assessment year for which he has failed to furnish a return under section 14 of the Wealth-tax Act; or

(b) the value of the assets which has not been disclosed, or the value of the assets which has been understated, in any return of net wealth for any assessment year,

then, notwithstanding anything contained in that Act, the net wealth, or, as the case may be, the value so declared shall not be taken into account for the purposes of any proceedings relating to imposition of penalty on the declarant or for the purposes of the prosecution of the declarant under that Act:

Provided that —

(i) nothing contained in clause (a) shall apply in relation to the net wealth assessable for any assessment year for which a notice under clause (i) of sub-section (4) of section 16 or section 17 of that Act has been served upon the declarant before the commencement of this Scheme;

(ii) nothing contained in clause (b) shall apply in relation to so much of the value of such assets as has been assessed in any assessment for the relevant assessment year made by the Assessing Officer before the date on which the declaration under this sub-section is made.

(2) A copy of the declaration made by the declarant under sub-section (1) shall be forwarded by the Commissioner to the Assessing Officer and the information contained therein may be taken into account for the purposes of the proceedings relating to assessment or reassessment of the net wealth of the declarant under the provisions of the Wealth-tax Act.

(3) The immunity provided under sub-section (1) shall not be available to the declarant unless the wealth-tax chargeable in respect of the net wealth for the assessment year or years for which the declaration has been made is paid by the declarant in accordance with the provisions of section 65 and section 66.

Explanation.—For the purposes of this sub-section, wealth-tax chargeable in respect of the net wealth for any assessment year for which the declaration is made shall be—

(a) in a case falling under clause (a) of sub-section (1), the wealth-tax payable in respect of the net wealth declared under that clause for that year;

(b) in a case falling under clause (b) of sub-section (1),—

(i) where no assessment has been made in pursuance of the return of net wealth furnished by the declarant, the wealth-tax payable on the aggregate of the net wealth returned and the value declared under that clause for that year as if such aggregate were the net wealth, as reduced by the wealth-tax payable on the basis of the net wealth returned;

(ii) where an assessment has been made in pursuance of the return of net wealth furnished by the declarant, the wealth-tax payable on the aggregate of the net wealth as assessed and the value declared under that clause for that year as if such aggregate were the net wealth, as reduced by the wealth-tax payable on the net wealth as assessed.

(4) The sum referred to in sub-section (3) shall be,—

(a) where the declaration has been made in respect of one assessment year, a sum equal to one per cent. of the amount of net wealth declared under clause (a) of sub-section (1), or, as the case may be, the value declared under clause (b) of that sub-section;

(b) where the declaration has been made in respect of more than one assessment year, a sum equal to one per cent of the net wealth declared under clause (a) of sub-section (1), or, as the case may be, the value declared under clause (b) of that sub-section, in respect of the last of such assessment years.

(5) Where any wealth-tax is paid by the declarant for any assessment year in accordance with the provisions of sections 65 and 66, read with sub-section (3) of this section, credit therefor shall be given to the declarant in the assessment made under the Wealth-tax Act for that year.

64. (1) A declaration under sub-section (1) section 62 or under sub-section (1) of section 63 shall be made to the Commissioner and shall be in such form and shall be verified in such manner as may be prescribed.

Particulars to be furnished in declaration.

(2) The declaration shall be signed,—

(a) where the declarant is an individual, by the individual himself; where such individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;

(b) where the declarant is a Hindu undivided family, by the *karta*, and where the *karta* is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family;

(c) where the declarant is a company, by the managing director thereof, or where for any unavoidable reason such managing director is not able to sign the declaration or where there is no managing director, by any director thereof;

(d) where the declarant is a firm, by the managing partner thereof, or where for any unavoidable reason such managing partner is not able to sign the declaration, or where there is no managing partner as such, by any partner thereof, not being a minor;

(e) where the declarant is any other association, by any member of the association or the principal officer thereof; and

(f) where the declarant is any other person, by that person or by some other person competent to act on his behalf.

(3) Any person, who has made a declaration under sub-section (1) of section 62 or under sub-section (1) of section 63 in respect of his income or wealth, or as a representative assessee in respect of the income or wealth of any other person, shall not be entitled to make any other declaration under that sub-section in respect of his income or wealth or, as the case may be, the income or wealth of such other person, and any such other declaration, if made, shall be deemed to be void.

Time for
payment for
tax.

65. The tax payable under this Scheme in respect of the voluntarily disclosed income or wealth shall be paid by the declarant and the declaration shall be accompanied by proof of payment of such tax.

Interest
payable by
declarant.

66. (1) Notwithstanding anything contained in section 65, the declarant may file a declaration without paying the tax under that section and the declarant may file the declaration and the declarant may pay the tax within three months from the date of filing of the declaration with simple interest at the rate of two percent. for every month or part of a month comprised in the period beginning from the date of filing the declaration and ending on the date of payment of such tax and file the proof of such payment within the said period of three month.

(2) If the declarant fails to pay the tax in respect of the voluntarily disclosed income or wealth before the expiry of three months from the date of filing of the declaration, the declaration filed by him shall be deemed never to have been made under this Scheme.

Voluntarily
disclosed
income not to
be included in
the total
income.

67. (1) The amount of the voluntarily disclosed income shall not be included in the total income of the declarant for any assessment year under the Income-tax Act, if the following conditions are fulfilled, namely:—

(i) the declarant credits such amount in the books of account, if any, maintained by him for any source of income or in any other record, and intimates the credit so made to the Assessing Officer; and

(ii) the income-tax in respect of the voluntarily disclosed income is paid by the declarant within the time specified in section 65 or section 66.

(2) The Commissioner shall, on an application made by the declarant, grant a certificate to him setting forth the particulars of the voluntarily disclosed income and the amount of income-tax paid in respect of the same.

Voluntarily
disclosed income
not to affect
finality of
completed
assessments, etc.

68. The declarant shall not be entitled, in respect of the voluntarily disclosed income or any amount of tax paid thereon, to reopen any assessment or reassessment made under the Income-tax Act or the Wealth-tax Act or claim any set off or relief in any appeal, reference or other proceeding in relation to any such assessment or reassessment.

Tax in respect
of voluntarily
disclosed income
or wealth not
refundable.

69. Any amount of tax paid in pursuance of a declaration made under sub-section (1) of section 62 or under sub-section (1) of section 63 shall not be refundable under any circumstances.

46 of 1973.
1 of 1956.

70. Notwithstanding anything contained in any other law for the time being in force, nothing contained in any declaration made under sub-section (1) of section 62 or sub-section (1) of section 63 shall be admissible in evidence against the declarant for the purpose of any proceeding relating to imposition of penalty or for the purposes of prosecution under the Income-tax Act or the Wealth-tax Act or the Foreign Exchange Regulation Act, 1973 or the Companies Act, 1956.

Declaration not admissible in evidence against declarant.

71. (1) All particulars contained in a declaration made under sub-section (1) of section 62 or under sub-section (1) of section 63 shall be treated as confidential and, notwithstanding anything contained in any law for the time being in force, no court or any other authority shall be entitled to require any public servant or the declarant to produce before it any such declaration or any part thereof or to give any evidence before it in respect thereof.

Secrecy of declaration.

(2) No public servant shall disclose any particulars contained in any such declaration except to any officer employed in the execution of the Income-tax Act or the Wealth-tax Act, or to any officer appointed by the Comptroller and Auditor-General of India or the Board to audit income-tax receipts or refunds.

72. (1) Where the voluntarily disclosed income is represented by cash (including bank deposits), bullion, investment in shares, debts due from other persons, commodities or any other assets specified in the declaration made under sub-section (1) of section 62 —

Exemption from wealth-tax in respect of assets specified in declaration.

(a) in respect of which the declarant has failed to furnish a return under section 14 of the Wealth-tax Act for the assessment year commencing on the 1st day of April, 1957 or any earlier assessment year or years, or

(b) which have not been shown in the return of net wealth furnished by him for the said assessment year or years, or

(c) which have been understated in value in the return of net wealth furnished by him for the said assessment year or years,

then, notwithstanding anything contained in the Wealth-tax Act or any rules made thereunder,—

(i) wealth-tax shall not be payable by the declarant in respect of the assets referred to in clause (a) or clause (b) and such assets shall not be included in his net wealth for the said assessment year or years;

(ii) the amount by which the value of the assets referred to in clause (c) has been understated in the return of net wealth for the said assessment year or years, to the extent such amount does not exceed the voluntarily disclosed income utilised for acquiring such assets, shall not be taken into account in computing the net wealth of the declarant for the said assessment year or years.

Explanation.— Where a declaration under sub-section (1) of section 62 is made by a firm, the assets referred to in clause (i) or, as the case may be, the amount referred to in clause (ii) shall not be taken into account in computing the net wealth of any partner of the firm or, as the case may be, in determining the value of the interest of any partner in the firm.

(2) The provisions of sub-section (1) shall not apply unless the conditions specified in sub-section (1) of section 67 are fulfilled by the declarant.

73. The provisions of Chapter XV of the Income-tax Act relating to liability in special cases and of section 189 of that Act or of Chapter V of the Wealth-tax Act relating to liability to assessment in special cases shall, so far as may be, apply in relation to proceedings under this Scheme as they apply in relation to proceeding under the Income-tax Act or, as the case may be, the Wealth-tax Act.

Applicability of certain provisions of Income-tax Act and of Chapter V of Wealth-tax Act.

74. For the removal of doubts, it is hereby declared that, save as otherwise expressly provided in the *Explanation* to sub-section (1) of section 72, nothing contained in this Scheme shall be construed as conferring any benefit, concession or immunity on any person other than the person making the declaration under this Scheme.

Removal of doubts.

75. (1) If any difficulty arises in giving effect to the provisions of this Scheme, the Central Government may, by order, not inconsistent with the provisions of this Scheme, remove the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date on which the provisions of this Scheme come into force.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

76. (1) The Board may, by notification in the Official Gazette, make rules for carrying out the provisions of this Scheme.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for the form in which a declaration may be made under sub-section (1) of section 62 or sub-section (1) of section 63 and the manner in which these may be verified.

(3) The Central Government shall cause every rule made under this Scheme to be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Scheme not to apply to certain persons.

77. The provisions of this Scheme shall not apply—

(a) to any person in respect of whom an order of detention has been made under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974:

52 of 1974.

Provided that —

(i) such order of detention, being an order to which the provisions of section 9 or section 12A of the said Act do not apply, has not been revoked on the report of the Advisory Board under section 8 of the said Act or before the receipt of the report of the Advisory Board; or

(ii) such order of detention, being an order to which the provisions of section 9 of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the review under sub-section (3) of section 9, or on the report of the Advisory Board under section 8, read with sub-section (2) of section 9, of the said Act; or

(iii) such order of detention, being an order to which the provisions of section 12A of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the first review under sub-section (3) of that section, or on the basis of the report of the Advisory Board under section 8, read with sub-section (6) of section 12A, of the said Act; or

(iv) such order of detention has not been set aside by a court of competent jurisdiction;

(b) in relation to prosecution for any offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code, the Narcotic Drugs and Psychotropic Substances Act, 1985, the Terrorists and Disruptive Activities (Prevention) Act, 1987, the Prevention of Corruption Act, 1988 or for the purpose of enforcement of any civil liability.

45 of 1860.
61 of 1985.
28 of 1987.
49 of 1988.

CHAPTER V

INDIRECT TAXES

Customs

Insertion of new section 8B.

78. In the Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), after section 8A, the following section shall be inserted, namely:—

51 of 1975.

Power of Central Government to impose safeguard duty.

‘8B. (1) If the Central Government, after conducting such enquiry as it deems fit, is satisfied that any article is imported into India in such increased quantities and under such conditions so as to cause or threatening to cause serious injury to domestic industry, then, it may, by notification in the Official Gazette, impose a safeguard duty on that article:

Provided that no such duty shall be imposed on an article originating from a developing country so long as the share of imports of that article from that country does not exceed three per cent. or where the article is originating from more than one developing countries, then, so long as the aggregate of the imports from all such countries taken together does not exceed nine per cent. of the total imports of that article into India.

(2) The Central Government may, pending the determination under sub-section (1), impose a provisional safeguard duty under this sub-section on the basis of a preliminary determination that increased imports have caused or threatened to cause serious injury to a domestic industry:

Provided that where, on final determination, the Central Government is of the opinion that increased imports have not caused or threatened to cause serious injury to a domestic industry, it shall refund the duty so collected:

Provided further that the provisional safeguard duty shall not remain in force for more than two hundred days from the date on which it was imposed.

(3) The duty chargeable under this section shall be in addition to any other duty imposed under this Act or under any other law for the time being in force.

(4) The duty imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of four years from the date of such imposition:

Provided that if the Central Government is of the opinion that the domestic industry has taken measures to adjust to such injury or threat thereof and it is necessary that the safeguard duty should continue to be imposed, it may extend the period of such imposition:

Provided further that in no case the safeguard duty shall continue to be imposed beyond a period of ten years from the date on which such duty was first imposed.

(5) The Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which articles liable for safeguard duty may be identified and for the manner in which the causes of serious injury or causes of threat of serious injury in relation to such articles may be determined and for the assessment and collection of such safeguard duty.

(6) For the purposes of this section,—

(a) "developing country" means a country notified by the Central Government in the Official Gazette for the purposes of this section;

(b) "domestic industry" means the producers—

(i) as a whole of the like article or a directly competitive article in India; or

(ii) whose collective output of the like article or a directly competitive article in India constitutes a major share of the total production of the said article in India;

(c) "serious injury" means an injury causing significant overall impairment in the position of a domestic industry;

(d) "threat of serious injury" means a clear and imminent danger of serious injury.

(7) Every notification issued under this section shall, as soon as may be after it is issued, be laid before each House of Parliament.

79. The Customs Tariff Act shall be amended in the manner specified in the Second Schedule.

Excise

1 of 1944.

80. After section 4 of the Central Excise Act, 1944 (hereinafter referred to as the Central Excise Act), the following section shall be inserted, namely:—

60 of 1976.

'4A. (1) The Central Government may, by notification in the Official Gazette, specify any goods, in relation to which it is required, under the provisions of the Standards of Weights and Measures Act, 1976 or the rules made thereunder or under any other law for the time being in force, to declare on the package thereof the retail sale price of such goods, to which the provisions of sub-section (2) shall apply.

(2) Where the goods specified under sub-section (1) are excisable goods and are chargeable to duty of excise with reference to value, then, notwithstanding anything contained in section 4, such value shall be deemed to be the retail sale price declared on such goods less such amount of abatement, if any, from such retail sale price as the Central Government may allow by notification in the Official Gazette.

(3) The Central Government may, for the purpose of allowing any abatement under sub-section (2), take into account the amount of duty of excise, sales tax and other taxes, if any, payable on such goods.

Explanation 1.— For the purpose of this section, "retail sale price" means the maximum price at which the excisable goods in packaged form may be sold to the ultimate consumer and includes all taxes local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertisement, delivery, packing, forwarding and the like, as the case may be.

Explanation 2.— Where on any excisable goods more than one retail sale price is declared, the maximum of such retail sale price shall be deemed to be the retail sale price for the purposes of this section.

Amendment of Act 51 of 1975.

Insertion of new section 4A.

Valuation of excisable goods with reference to retail sale price.

Insertion of
new section
14AA.

Special audit in
cases where
credit of duty
availed or
utilised is not
within the
normal limits,
etc.

81. After section 14A of the Central Excise Act, the following section shall be inserted, namely:—

“14AA. (1) If the Commissioner of Central Excise has reason to believe that the credit of duty availed of or utilised under the rules made under this Act by a manufacturer of any excisable goods—

(a) is not within the normal limits having regard to the nature of the excisable goods produced or manufactured, the type of inputs used and other relevant factors, as he may deem appropriate;

(b) has been availed of or utilised by reason of fraud, collusion or any wilful mis-statement or suppression of facts,

he may direct such manufacturer to get the accounts of his factory, office, depot, distributor or any other place, as may be specified by him, audited by a cost accountant nominated by him.

(2) The cost accountant so nominated shall, within the period specified by the Commissioner of Central Excise, submit a report of such audit duly signed and certified by him to the said Commissioner mentioning therein such other particulars as may be specified.

(3) The provisions of sub-section (1) shall have effect notwithstanding that the accounts of the said manufacturer aforesaid have been audited under any other law for the time being in force or otherwise.

(4) The expenses of, and incidental to, such audit (including the remuneration of the cost accountant) shall be determined by the Commissioner of Central Excise (which determination shall be final) and paid by the manufacturer and in default of such payment shall be recoverable from the manufacturer in the manner provided in section 11 for the recovery of sums due to the Government.

(5) The manufacturer shall be given an opportunity of being heard in respect of any material gathered on the basis of the audit under sub-section (1) and proposed to be utilised in any proceeding under this Act or rules made thereunder.

Explanation.—For the purpose of this section, “cost accountant” shall have the meaning assigned to it in clause (b) of sub-section (1) of section 2 of the Cost and Works Accountants Act, 1959.”

23 of 1959.

Amendment of
Act 5 of 1986.

82. The Central Excise Tariff Act, 1985 (hereinafter referred to as the Central Excise Tariff Act) shall be amended in the manner specified in the Third Schedule.

Amendment of
Act
58 of 1957.

83. The Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the Additional Duties of Excise Act) shall be amended in the manner specified in the Fourth Schedule.

CHAPTER VI

SERVICE TAX

Amendment of
Act
32 of 1994.

84. In the Finance Act, 1994, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint,—

(1) for section 65, the following section shall be substituted, namely:—

Definitions.

‘65. In this Chapter, unless the context otherwise requires,—

(1) “advertisement” includes any notice, circular, label, wrapper, document, hoarding or any other audio or visual representation made by means of light, sound, smoke or gas;

(2) “advertising agency” means any commercial concern engaged in providing any service connected with the making, preparation, display or exhibition of advertisement and includes an advertising consultant;

(3) “air travel agent” means any person engaged in providing any service connected with the booking of passage for travel by air;

(4) “Appellate Tribunal” means the Customs, Excise and Gold (Control) Appellate Tribunal constituted under section 129 of the Customs Act, 1962;

52 of 1962.

(5) “assessee” means a person responsible for collecting the service tax and includes his agent;

(6) “Board” means the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963;

54 of 1963.

(7) "cab" means a motor cab or maxi cab;

(8) "caterer" means any person who supplies, either directly or indirectly, any food, edible preparations, alcoholic or non-alcoholic beverages or crockery and similar articles or accoutrements for any purpose or occasion;

1 of 1944.

(9) "Central Excise Officer" has the meaning assigned to it in clause (b) of section 2 of the Central Excise Act, 1944;

(10) "clearing and forwarding agent" means any person who is engaged in providing any service, either directly or indirectly, connected with clearing and forwarding operations in any manner to any other person and includes a consignment agent;

(11) "consulting engineer" means any professionally qualified engineer or an engineering firm who, either directly or indirectly, renders any advice, consultancy or technical assistance in any manner to a client in one or more disciplines of engineering;

(12) "courier agency" means a commercial concern engaged in the door-to-door transportation of time-sensitive documents, goods or articles utilising the services of a person, either directly or indirectly, to carry or accompany such documents, goods or articles;

52 of 1962.

(13) "custom house agent" means a person licensed, temporarily or otherwise, under the regulations made under sub-section (2) of section 146 of the Customs Act, 1962;

57 of 1972.

(14) "general insurance business" has the meaning assigned to it in clause (g) of section 3 of the General Insurance Business (Nationalisation) Act, 1972;

3 of 1930.

(15) "goods" has the meaning assigned to it in clause (7) of section 2 of the Sale of Goods Act, 1930;

59 of 1988.

(16) "goods carriage" has the meaning assigned to it in clause (14) of section 2 of the Motor Vehicles Act, 1988;

(17) "goods transport operator" means any commercial concern engaged in the transportation of goods but does not include a courier agency;

(18) "insurer" means any person carrying on the general insurance business in India;

4 of 1882.

(19) "mandap" means any immovable property as defined in section 3 of the Transfer of Property Act, 1882 and includes any furniture, fixtures, light fittings and floor coverings therein let out for consideration for organising any official, social or business function;

(20) "mandap keeper" means a person who allows temporary occupation of a mandap for consideration for organising any official, social or business function;

(21) "manpower recruitment agency" means any commercial concern engaged in providing any service, directly or indirectly, in any manner for recruitment of manpower, to a client;

59 of 1988.

(22) "maxi cab" has the meaning assigned to it in clause (22) of section 2 of the Motor Vehicles Act, 1988;

59 of 1988.

(23) "motor cab" has the meaning assigned to it in clause (25) of section 2 of the Motor Vehicles Act, 1988;

(24) "outdoor caterer" means a caterer engaged in providing services in connection with catering at a place other than his own;

(25) "pager" means an instrument, apparatus or appliance which is a non-speech, one way personal calling system with alert and has the capability of receiving, storing and displaying numeric or alpha-numeric messages;

(26) "pandal or shamiana" means a place specially prepared or arranged for organising an official, social or business function;

(27) "pandal or shamiana contractor" means a person engaged in providing any service, either directly or indirectly, in connection with the preparation, arrangement, erection or decoration of a pandal or shamiana and includes the supply of furniture, fixtures, lights and lighting fittings, floor coverings and other articles for use therein;

(28) "person responsible for collecting the service tax" means a person who is required to collect service tax under this Chapter or is required to pay any other sum of money under this Chapter and includes every person in respect of whom any proceedings under this Chapter have been taken;

4 of 1938.

(29) "policy-holder" has the meaning assigned to it in clause (2) of section 2 of the Insurance Act, 1938;

(30) "prescribed" means prescribed by rules made under this Chapter;

42 of 1956.

(31) "recognised stock exchange" has the meaning assigned to it in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956;

59 of 1988.

(32) "rent a cab scheme operator" means a person who is the holder of a licence under the Rent a Cab Scheme, 1989 framed by the Central Government under the Motor Vehicles Act, 1988;

42 of 1956.

(33) "securities" has the meaning assigned to it in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956;

(34) "service tax" means tax chargeable under the provisions of this Chapter;

(35) "ship" means a sea-going vessel and includes a sailing vessel;

(36) "shipping line" means any person who owns or charters a ship and includes an enterprise which operates or manages the business of shipping;

(37) "steamer agent" means any person who undertakes, either directly or indirectly,—

(a) to perform any service in connection with the ship's husbandry or dispatch including the rendering of administrative work related thereto; or

(b) to book, advertise or canvass for cargo for or on behalf of a shipping line; or

(c) to provide container feeder services for or on behalf of a shipping line;

15 of 1992.

(38) "stock-broker" means a stock-broker who has either made an application for registration or is registered as a stock-broker in accordance with the rules and regulations made under the Securities and Exchange Board of India Act, 1992;

15 of 1992.

(39) "sub-broker" means a sub-broker who has either made an application for registration or is registered as a sub-broker in accordance with the rules and regulations made under the Securities and Exchange Board of India Act, 1992;

(40) "subscriber" means a person to whom a telephone connection or pager has been provided by the telegraph authority;

(41) "taxable service" means any service provided,—

(a) to an investor, by a stock-broker in connection with the sale or purchase of securities listed on a recognised stock exchange;

(b) to a subscriber, by the telegraph authority in relation to a telephone connection;

(c) to a subscriber, by the telegraph authority in relation to a pager;

(d) to a policy holder, by an insurer carrying on general insurance business in relation to general insurance business;

(e) to a client, by an advertising agency in relation to advertisements in any manner;

(f) to a customer, by a courier agency in relation to door-to-door transportation of time-sensitive documents, goods or articles;

(g) to a client, by a consulting engineer in relation to advice, consultancy or technical assistance in any manner in one or more disciplines of engineering;

(h) to a client, by a custom house agent in relation to the entry or departure of conveyances or the import or export of goods;

(i) to a shipping line, by a steamer agent in relation to a ship's husbandry or dispatch

or any administrative work related thereto as well as the booking, advertising or canvassing of cargo, including container feeder services;

(j) to a client, by a clearing and forwarding agent in relation to clearing and forwarding operations in any manner;

(k) to a client, by a manpower recruitment agency in relation to the recruitment of manpower in any manner;

(l) to a customer, by an air travel agent in relation to the booking of passage for travel by air;

(m) to a customer, by a goods transport operator in relation to carriage of goods by road in a goods carriage;

(n) to a client, by an outdoor caterer;

(o) to a client, by a pandal or shamiana contractor in relation to a pandal or shamiana in any manner and also includes the services, if any, rendered as a caterer;

(p) to a client, by a mandap keeper in relation to use of a mandap in any manner including the facilities provided to the client in relation to such use and also the services, if any, rendered as a caterer;

(q) to any person, by a tour operator in relation to a tour;

(r) to any person, by a rent a cab scheme operator in relation to the renting of a cab;

13 of 1885. (42) "telegraph authority" has the meaning assigned to it in clause (6) of section 3 of the Indian Telegraph Act, 1885 and includes a person who has been granted a licence under the first proviso to sub-section (1) of section 4 of that Act;

(43) "tour" means a journey from one place to another irrespective of the distance between such places;

59 of 1988. (44) "tour operator" means a person who holds a tourist permit granted under the rules made under the Motor Vehicles Act, 1988;

1 of 1944. (45) words and expressions, used but not defined in this Chapter and defined in the Central Excise Act, 1944 or the rules made thereunder, shall apply, so far as may be, in relation to service tax as they apply in relation to duty of excise.;

(2) for section 66, the following section shall be substituted, namely:—

"66. (1) On and from the commencement of this Chapter, there shall be charged a tax (hereinafter referred to as the service tax), at the rate of five per cent. of the value of the taxable services referred to in sub-clauses (a), (b) and (d) of clause (41) of section 65 which are provided to any person by the person responsible for collecting the service tax.

Charge of
service tax.

33 of 1996. (2) With effect from the date notified under section 85 of the Finance (No. 2) Act, 1996, there shall be charged a service tax at the rate of five per cent. of the value of the taxable services referred to in sub-clauses (c), (e) and (f) of clause (41) of section 65 which are provided to any person by the person responsible for collecting the service tax.

(3) With effect from the date notified under section 84 of the Finance Act, 1997, there shall be charged a service tax at the rate of five per cent. of the value of the taxable services referred to in sub-clauses (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and (r) of clause (41) of section 65 which are provided to any person by the person responsible for collecting the service tax.;"

(3) in section 67, after clause (e), the following clauses shall be inserted, namely:—

"(f) in relation to service provided by a consulting engineer to a client, shall be the gross amount charged by such engineer from the client for advice, consultancy or technical assistance in any manner in one or more disciplines of engineering;

(g) in relation to service provided by a custom house agent to a client, shall be the gross amount charged by such agent from the client for services rendered in any manner in relation to the entry or departure of conveyances or in relation to the import or export of goods;

(h) in relation to service provided by a steamer agent to a shipping line, shall be the gross amount charged by such agent from the shipping line for services in relation to a ship's husbandry or dispatch or any administrative work related thereto or in relation to the booking, advertising or canvassing of cargo, container feeder services, including the commission paid to such agent;

(i) in relation to service provided by a clearing and forwarding agent to a client, shall be the gross amount charged by such agent from the client for services of clearing and forwarding operations in any manner;

(j) in relation to service provided by a manpower recruitment agency to a client, shall be the gross amount charged by such agency from the client in relation to the recruitment of manpower in any manner;

(k) in relation to service provided by an air travel agent to a customer, shall be the gross amount charged by such agent from the customer for services in relation to the booking of passage for travel by air excluding the airfare but including the commission, if any, received from the airline in relation to such booking;

(l) in relation to service provided by goods transport operator to a customer, shall be the gross amount charged by such operator for services in relation to carrying goods by road in a goods carriage and includes the freight charges but does not include any insurance charges;

(m) in relation to service provided by an outdoor caterer to a client, shall be the gross amount charged by such caterer from the client for services in relation to such catering including the charges for food, edible preparations, alcoholic or non-alcoholic beverages or crockery and similar articles or accoutrements provided to such client for any purpose or on any occasion;

(n) in relation to service provided by a pandal or shamiana contractor to a client, shall be the gross amount charged by such contractor from the client for services in relation to the setting up of a pandal or shamiana including the supply of furniture, fixtures, lights and lighting fittings, floor coverings and similar articles used therein and also the charges for catering, if any;

(o) in relation to service provided by a mandap keeper to a client, shall be the gross amount charged by such keeper from the client for the use of mandap including the facilities provided to the client in relation to such use and also the charges for catering, if any;

(p) in relation to service provided by a tour operator to a client, shall be the gross amount charged by such operator from the client for services in relation to a tour and includes the charges for any accommodation, food or any other facilities provided in relation to such tour;

(q) in relation to the service provided by a rent a cab scheme operator to any person, shall be the gross amount charged by such operator from such person for services in relation to the renting of a cab and includes such rental.”;

(4) for section 68, the following section shall be substituted, namely:—

“68. (1) Every person providing taxable service to any person shall collect the service tax at the rate specified in section 66.

Collection and recovery of service tax.

(2) The service tax collected during any calendar month in accordance with the provisions of sub-section (1) shall be paid to the credit of the Central Government by the 15th of the month immediately following the said calendar month.

(3) Any person, responsible for collecting the service tax, who fails to collect the tax in accordance with the provisions of sub-section (1), shall, notwithstanding such failure, be liable to pay such tax to the credit of the Central Government within seventy-five days from the end of the month in which the service was rendered.”;

(5) in section 76,—

(i) in clause (b), for the word, brackets and figure “sub-section (2)”, the words, brackets and figures “sub-section (2) or who fails to pay the service tax in accordance with sub-section (3)” shall be substituted;

(ii) in clause (ii), for the word, brackets and figure “sub-section (2)”, the words, brackets and figures “sub-section (2) or, as the case may be, sub-section (3)” shall be substituted.

CHAPTER VII

MISCELLANEOUS

85. In the Indian Post Office Act, 1898, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, for the First Schedule, the following Schedule shall be substituted, namely:—

Amendment
of Act 6 of
1898.

"THE FIRST SCHEDULE

(See section 7)

INLAND POSTAGE RATES

Letters

For a weight not exceeding twenty grams	Rs. 2.00
For every twenty grams, or fraction thereof, exceeding twenty grams	Rs. 2.00.

Letter-cards

For a letter-card	Re. 1.00.
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Post cards (not being post cards containing printed communication or competition post cards)

Single	25 paise
Reply	50 paise.

(Post cards containing printed communication (not being competition post cards)

For a post card	Rs. 1.50.
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Explanation.—A post card shall be deemed to contain a printed communication, if any matter (except the name and address of, and other particulars relating to, the sender and the place and date of despatch) is recorded by printing or by cyclostyling or by any other mechanical process, not being typewriting, on any part of the post card except the right hand half of the address-side thereof.

Competition post cards

For a post card	Rs. 2.00.
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Explanation.—A post card shall be deemed to be a competition post card if it is used in response to any competition organised on or through television, radio, newspaper, magazine or any other media.

Book, pattern and sample packets

For the first fifty grams or fraction thereof	Re. 1.00
For every additional fifty grams, or fraction thereof, in excess of fifty grams	Rs. 2.00.

Registered newspapers

For a weight not exceeding fifty grams	15 paise
For a weight exceeding fifty grams but not exceeding one hundred grams	25 paise
For every additional one hundred grams, or fraction thereof, exceeding one hundred grams	10 paise.

In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—

For a weight not exceeding one hundred grams	25 paise
For every additional one hundred grams, or fraction thereof, exceeding one hundred grams	10 paise:

Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognised agent at the Post Office.

Parcels

For a weight not exceeding five hundred grams	Rs. 8.00
For every five hundred grams, or fraction thereof, exceeding five hundred grams	Rs. 8.00."

Declaration under the Provisional Collection of Taxes Act, 1931

It is hereby declared that it is expedient in the public interest that the provisions of clause 79, clause 82 and clause 83 of this Bill shall have immediate effect under the Provisional Collection of Taxes Act, 1931. 16 of 1931.

THE FIRST SCHEDULE

(See section 2)

PART I

INCOME-TAX

Paragraph A

In the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 40,000 | Nil; |
| (2) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000 | 15 per cent. of the amount by which the total income exceeds Rs. 40,000; |
| (3) where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,20,000 | Rs. 3,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 60,000; |
| (4) where the total income exceeds Rs. 1,20,000 | Rs. 21,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 1,20,000. |

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 10,000 | 10 per cent. of the total income; |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 20,000 | Rs. 3,000 plus 35 per cent. of the amount by which the total income exceeds Rs. 20,000. |

Paragraph C

In the case of every firm,—

Rate of income-tax

On the whole of the total income 40 per cent.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company 40 per cent. of the total income;

II. In the case of a company other than a domestic company,—

(i) on so much of the total income as consists of—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government 50 per cent.;

(ii) on the balance, if any, of the total income 55 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the provisions of this Paragraph or sections 112 and 113 of the Income-tax Act, shall, in the case of every domestic company having a total income exceeding seventy-five thousand rupees, be increased by a surcharge calculated at the rate of seven-and-a half per cent. of such income-tax.

PART II

RATES FOR DEDUCTION OF TAX AT SOURCE IN CERTAIN CASES

In every case in which under the provisions of sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to the deduction at the following rates:—

	Rate of income-tax
1. In the case of a person other than a company—	
(a) where the person is resident in India—	
(i) on income by way of interest other than "Interest on securities"	10 per cent;
(ii) on income by way of winnings from lotteries and crossword puzzles	40 per cent;
(iii) on income by way of winnings from horse races	40 per cent;
(iv) on income by way of insurance commission	10 per cent;
(v) on income by way of interest payable on—	10 per cent;

(A) any debentures or securities other than a security of the Central or a State Government for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act	
(B) any debentures issued by a company where such debentures are listed on a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956 and any rules made thereunder	
(vi) on any other income	20 per cent;
(b) where the person is not resident in India—	
(i) in the case of a non-resident Indian—	
(A) on any investment income	20 per cent;
(B) on income by way of long-term capital gains referred to in section 115E	10 per cent;
(C) on other income by way of long-term capital gains	20 per cent;
(D) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency.	20 per cent;
(E) on income by way of winnings from lotteries and crossword puzzles	40 per cent;
(F) on income by way of winnings from horse races	40 per cent;
(G) on the whole of other income	income-tax at 30 per cent. of the amount of income
	or
	income-tax in respect of the income at the rates prescribed in Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher;
(ii) in the case of any other person—	
(A) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency	20 per cent;
(B) on income by way of winnings from lotteries and crossword puzzles	40 per cent;
(C) on income by way of winnings from horse races	40 per cent;
(D) on income by way of long-term capital gains	20 per cent;
(E) on the whole of the other income	income-tax at 30 per cent. of the amount of income
	or
	income-tax in respect of the income at the rates prescribed in Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher.

2. In the case of a company—

(a) where the company is a domestic company—

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|-------|---|---------------|
| (i) | on income by way of interest other than "Interest on securities" | 20 per cent.; |
| (ii) | on income by way of winnings from lotteries and crossword puzzles | 40 per cent.; |
| (iii) | on income by way of winnings from horse races | 40 per cent.; |
| (iv) | on any other income | 20 per cent.; |

(b) where the company is not a domestic company—

- | | | |
|------|---|---------------|
| (i) | on income by way of winnings from lotteries and crossword puzzles | 40 per cent.; |
| (ii) | on income by way of winnings from horse races | 40 per cent.; |

- | | | |
|-------|---|---------------|
| (iii) | on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency | 20 per cent.; |
| (iv) | on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976, where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (1A) of section 115A of the Income-tax Act, to a person resident in India— | |

- | | | |
|-----|--|---------------|
| (A) | where the agreement is made before the 1st day of June, 1997 | 30 per cent.; |
|-----|--|---------------|

- | | | |
|-----|---|---------------|
| (B) | where the agreement is made on or after the 1st day of June, 1997 | 20 per cent.; |
|-----|---|---------------|

- (v) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(iv)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—

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|-----|---|---------------|
| (A) | where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976 | 50 per cent.; |
|-----|---|---------------|

- | | | |
|-----|--|---------------|
| (B) | where the agreement is made after the 31st day of March, 1976 but before the 1st day of June, 1997 | 30 per cent.; |
|-----|--|---------------|

- | | | |
|-----|---|---------------|
| (C) | where the agreement is made on or after the 1st day of June, 1997 | 20 per cent.; |
|-----|---|---------------|

- (vi) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved

by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—

- | | |
|--|---------------|
| (A) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976 | 50 per cent.; |
| (B) where the agreement is made after the 31st day of March, 1976 but before the 1st day of June, 1977 | 30 per cent.; |
| (C) where the agreement is made on or after the 1st day of June, 1977 | 20 per cent.; |
| (vii) on income by way of long-term capital gains | 20 per cent.; |
| (viii) on any other income | 48 per cent.; |

Explanation.—For the purpose of item 1(b)(i) of this Part, "investment income" and "non-resident Indian" shall have the meanings assigned to them in Chapter XII-A of the Income-tax Act.

PART III

RATES FOR CALCULATING OR CHARGING INCOME-TAX IN CERTAIN CASES, DEDUCTING INCOME-TAX FROM INCOME CHARGEABLE UNDER THE HEAD "SALARIES" AND COMPUTING "ADVANCE TAX"

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed at the rate or rates in force, such income-tax or, as the case may be, "advance tax" [not being "advance tax" in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act at the rates as specified in that Chapter or section], shall be calculated, charged, deducted or computed at the following rate or rates:—

Paragraph A

In the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 40,000 | Nil; |
| (2) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000 | 10 per cent. of the amount by which the total income exceeds Rs. 40,000; |
| (3) where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,50,000 | Rs. 2,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 60,000; |
| (4) where the total income exceeds Rs. 1,50,000 | Rs. 20,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 1,50,000. |

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 10,000 | 10 per cent. of the total income; |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 20,000 | Rs. 3,000 plus 35 per cent. of the amount by which the total income exceeds Rs. 20,000. |

Paragraph C

In the case of every firm,—

Rate of income-tax

On the whole of the total income 35 per cent.;

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.;

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company 35 per cent. of the total income;

II. In the case of a company other than a domestic company—

(i) on so much of the total income as consists of—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government 50 per cent.;

(ii) on the balance, if any, of the total income 48 per cent.;

PART IV

[See section 2(10)(c)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule 1.—Agricultural income of the nature referred to in sub-clause (a) of clause (1A) of section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from other sources" and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of section 58 shall apply subject to the modification that the reference to section 40A therein shall be construed as not including a reference to sub-sections (3) and (4) of section 40A.

Rule 2.—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1A) of section 2 of the Income-tax Act [other than income derived from any building required as a dwelling house by the receiver of the rent or revenue of the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head "Profits and gains of business or profession" and the provisions of sections 30, 31, 32, 36, 37, 38, 40, 40A [other than sub-sections (3) and (4) thereof], 41, 43, 43A, 43B and 43C of the Income-tax Act shall, so far as may be, apply accordingly.

Rule 3.—Agricultural income of the nature referred to in sub-clause (c) of clause (1A) of section 2 of the Income-tax Act, being income derived from any building required as a dwelling-house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-

clause (c) shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from house property" and the provisions of sections 23 to 27 of that Act shall, so far as may be, apply accordingly.

Rule 4.—Notwithstanding anything contained in any other provisions of these rules, in a case where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall be computed in accordance with rule 8 of the Income-tax Rules, 1962, and sixty per cent. of such income shall be regarded as the agricultural income of the assessee.

Rule 5.—Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) but has any agricultural income, then, the agricultural income or loss of the association or body shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 6.—Where the result of the computation for the previous year in respect of any source of agricultural income is a loss, such loss shall be set off against the income of the assessee, if any, for that previous year from any other source of agricultural income:

Provided that where the assessee is a member of an association of persons or a body of individuals and the share of the assessee in the agricultural income of the association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income.

Rule 7.—Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

Rule 8.—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1997, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1989 or the 1st day of April, 1990 or the 1st day of April, 1991 or the 1st day of April, 1992 or the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1989, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1990 or the 1st day of April, 1991 or the 1st day of April, 1992 or the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1990, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1991 or the 1st day of April, 1992 or the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1991, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1992 or the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1992, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1993, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1994, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1995 or the 1st day of April, 1996,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1995, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1996,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1996,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1997.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1998 or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than that previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1990 or the 1st day of April, 1991 or the 1st day of April, 1992 or the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995, or the 1st day of April, 1996 or the 1st day of April, 1997, is a loss, then, for the purposes of sub-section (9) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1990, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1991 or the 1st day of April, 1992 or the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996 or the 1st day of April, 1997,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1991, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1992 or the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996 or the 1st day of April, 1997,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1992, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1993 or the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996 or the 1st day of April, 1997,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1993, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1994 or the 1st day of April, 1995 or the 1st day of April, 1996 or the 1st day of April, 1997,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1994, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1995 or the 1st day of April, 1996 or the 1st day of April, 1997,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1995, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1996 or the 1st day of April, 1997,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1996, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1997,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1997,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1998.

(3) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

(4) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance Act, 1989 (13 of 1989), or of the First Schedule to the Finance Act, 1990 (12 of 1990), or of the First Schedule to the Finance (No. 2) Act, 1991 (49 of 1991), or of the First Schedule to the Finance Act, 1992 (18 of 1992), or of the First Schedule to the Finance Act, 1993 (38 of 1993), or of the First Schedule to the Finance Act, 1994 (32 of 1994), or of the First Schedule to the Finance Act, 1995 (22 of 1995), or of the First Schedule to the Finance (No. 2) Act, 1996 (33 of 1996), shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

Rule 9.—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be nil.

Rule 10.—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the assessment of the total income.

Rule 11.—For the purposes of computing the net agricultural income of the assessee, the Assessing Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

THE SECOND SCHEDULE

(See section 79)

In the First Schedule to the Customs Tariff Act,—

(1) in Chapter 1, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(2) in Chapter 8,—

(i) in sub-heading Nos. 0801.11, 0801.19, 0801.21, 0801.22 and 0801.32, for the entries in column (4) and column (5) occurring against each of them, the entries "40%" and "30%" shall respectively be substituted;

(ii) in sub-heading No. 0802.11, for the entries in column (4) and column (5), the entries "40% or Rs.55 per Kg. whichever is lower" and "30% or Rs. 50 per Kg. whichever is lower" shall respectively be substituted;

(iii) in sub-heading No. 0802.12, for the entries in column (4) and column (5), the entries "40% or Rs. 100 per Kg. whichever is lower" and "30% or Rs.95 per Kg. whichever is lower" shall respectively be substituted;

(iv) in sub-heading Nos. 0802.21, 0802.22, 0802.31, 0802.32, 0802.40, 0802.50, 0802.90, 0803.00, 0804.20, 0804.30, 0804.40, 0804.50, 0805.10, 0805.20, 0805.30, 0805.40 and 0805.90, for the entries in column (4) and column (5) occurring against each of them, the entries "40%" and "30%" shall respectively be substituted;

(v) in sub-heading No. 0806.20, for the entries in column (4) and column (5), the entries "125%" and "115%" shall respectively be substituted;

(vi) in sub-heading Nos. 0807.11, 0807.19, 0807.20, 0808.10, 0808.20, 0809.10, 0809.20, 0809.30, 0810.10, 0810.20, 0810.30, 0810.40, 0810.50, 0811.10, 0811.20, 0811.90, 0812.10, 0812.20, 0812.90, 0813.10, 0813.20, 0813.30, 0813.40, 0813.50 and 0814.00, for the entries in column (4) and column (5) occurring against each of them, the entries "40%" and "30%" shall respectively be substituted;

(3) in Chapter 12, —

(i) in sub-heading Nos. 1201.00, 1202.10, 1202.20, 1203.00, 1204.00, 1205.00, 1206.00, 1207.10, 1207.20, 1207.30, 1207.40, 1207.50, 1207.60, 1207.91, 1207.92 and 1207.99, for the entries in column (4) and column (5) occurring against each of them, the entries "40%" and "30%" shall respectively be substituted;

(ii) in sub-heading Nos. 1208.10 and 1208.90, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(iii) in sub-heading Nos. 1209.11, 1209.19, 1209.21, 1209.22, 1209.23, 1209.24, 1209.25, 1209.26, 1209.29 and 1209.30, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(iv) in sub-heading Nos. 1210.10, 1210.20, 1211.10, 1211.20, 1212.10, 1212.20, 1212.30, 1212.91, 1212.92, 1212.99, 1213.00, 1214.10 and 1214.90, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(4) in Chapter 13, —

(i) in sub-heading No. 1301.10, for the entry in column (4), the entry "40%" shall be substituted;

(ii) in sub-heading No. 1301.20, for the entries in column (4) and column (5), the entries "40%" and "30%" shall respectively be substituted;

(iii) in sub-heading Nos. 1301.90, 1302.11, 1302.12, 1302.13, 1302.14, 1302.31, 1302.32 and 1302.39, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(5) in Chapter 15, —

(i) in sub-heading Nos. 1501.00, 1503.00, 1504.10, 1504.20 and 1504.30, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(ii) in sub-heading Nos. 1505.10 and 1505.90, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(iii) in sub-heading No. 1506.00, for the entry in column (4), the entry "30%" shall be substituted;

(iv) in sub-heading Nos. 1508.10, 1508.90, 1511.10, 1511.90, 1512.11, 1512.19, 1512.21, 1512.29, 1513.21, 1513.29, 1515.11, 1515.19, 1515.21, 1515.29, 1515.30, 1515.40, 1515.50, 1515.60 and 1515.90, for the entries in column (4) and column (5) occurring against each of them, the entries "30%" and "20%" shall respectively be substituted;

(v) in sub-heading Nos. 1516.10, 1516.20, 1517.10, 1517.90, 1518.00, 1520.00, 1521.10, 1521.90 and 1522.00, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(6) in Chapter 16, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(7) in Chapter 17, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 1702.11, 1702.19, 1703.10 and 1703.90), the entry "40%" shall be substituted;

(8) in Chapter 18, in sub-heading No. 1801.00, for the entry in column (4), the entry "30%" shall be substituted;

(9) in Chapter 19, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 1901.10), the entry "40%" shall be substituted;

(10) in Chapter 20, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(11) in Chapter 21,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 2106.90), the entry "40%" shall be substituted;

(ii) in sub-heading No. 2106.90, for the entry in column (4), the entry "190%" shall be substituted;

(12) in Chapter 22,—

(i) in sub-heading Nos. 2201.10, 2201.90, 2202.10 and 2202.90, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(ii) in sub-heading Nos. 2203.00, 2204.10, 2204.21, 2204.29, 2204.30, 2205.10, 2205.90 and 2206.00, for the entry in column (4) occurring against each of them, the entry "100%" shall be substituted;

(iii) in sub-heading Nos. 2207.10, 2208.20, 2208.30, 2208.40, 2208.50, 2208.60, 2208.70 and 2208.90, for the entry in column (4) occurring against each of them, the entry "260%" shall be substituted;

(iv) in sub-heading No. 2209.00, for the entry in column (4), the entry "40%" shall be substituted;

(13) in Chapter 23,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 2301.20), the entry "40%" shall be substituted;

(ii) in sub-heading No. 2301.20, for the entry in column (4), the entry "Free" shall be substituted;

(14) in Chapter 24, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(15) in Chapter 25,—

(i) in sub-heading Nos. 2501.00 and 2503.00, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(ii) in sub-heading Nos. 2504.10 and 2504.90, for the entries in column (4) and column (5) occurring against each of them, the entries "30%" and "20%" shall respectively be substituted;

(iii) in sub-heading Nos. 2517.10, 2517.20, 2517.30, 2517.41 and 2517.49, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(iv) in sub-heading Nos. 2519.10 and 2519.90, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(v) in sub-heading Nos. 2521.00, 2522.10, 2522.20, 2522.30 and 2524.00, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(16) in Chapter 26, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 2601.11, 2601.12, 2601.20, 2620.11, 2620.19 and 2620.30), the entry "5%" shall be substituted;

(17) in Chapter 27,—

(i) in sub-heading Nos. 2701.11, 2701.12, 2701.19, 2701.20, 2702.10, 2702.20, 2703.00 and 2704.00, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(ii) in sub-heading No. 2707.40, for the entry in column (4), the entry "20%" shall be substituted;

(iii) in sub-heading No. 2707.60, for the entry in column (4), the entry "25%" shall be substituted;

(18) in Chapter 28,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 2801.20, 2814.10, 2814.20, 2815.11, 2815.12, 2823.00 and 2845.10), the entry "30%" shall be substituted;

(ii) for the entry in column (4) occurring against sub-heading Nos. 2814.10 and 2814.20, the entry "Free" shall be substituted;

(19) in Chapter 29,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 2901.10, 2901.21, 2901.22, 2901.23, 2901.24, 2901.29, 2902.11, 2902.19, 2902.20, 2902.30, 2902.41, 2902.42, 2902.43, 2902.44, 2902.50, 2902.60, 2902.70, 2902.90, 2903.15, 2903.21, 2905.11, 2905.31, 2907.11, 2915.21, 2917.12, 2917.36, 2917.37, 2918.12, 2926.10, 2933.21, 2933.71, 2936.10, 2936.21, 2936.22, 2936.23, 2936.24, 2936.25, 2936.26, 2936.27, 2936.28, 2936.29, 2936.90, 2937.10, 2937.21, 2937.22, 2937.29, 2937.91, 2937.92, 2937.99, 2939.41, 2939.42, 2939.49, 2939.50, 2941.10, 2941.20, 2941.30, 2941.40, 2941.50 and 2941.90), the entry "30%" shall be substituted;

(ii) in sub-heading No. 2905.11, for the entry in column (4), the entry "20%" shall be substituted;

(iii) in sub-heading No. 2907.11, for the entry in column (4), the entry "25%" shall be substituted;

(iv) in sub-heading Nos. 2936.10, 2936.21, 2936.22, 2936.23, 2936.24, 2936.25, 2936.26, 2936.27, 2936.28, 2936.29 and 2936.90, for the entries in column (4) and column (5) occurring against each of them, the entries "30%" and "24%" shall respectively be substituted;

(v) in sub-heading Nos. 2937.10, 2937.21, 2937.22, 2937.29, 2937.91, 2937.92, 2937.99, 2939.41, 2939.42, 2939.49 and 2939.50, for the entries in column (4) and column (5) occurring against each of them, the entries "30%" and "20%" shall respectively be substituted;

(vi) in sub-heading Nos. 2941.10, 2941.20, 2941.30, 2941.40, 2941.50 and 2941.90, for the entries in column (4) and column (5) occurring against each of them, the entries "30%" and "24%" shall respectively be substituted;

(20) in Chapter 30,—

(i) for the entries in column (4) and column (5) occurring against all the sub-heading Nos. (except sub-heading Nos. 3005.10, 3005.90, 3006.10, 3006.20, 3006.30, 3006.40, 3006.50 and 3006.60), the entries "30%" and "20%" shall respectively be substituted;

(ii) in sub-heading Nos. 3005.10, 3005.90, 3006.10, 3006.20, 3006.30, 3006.40 and 3006.50, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(21) in Chapter 31, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3102.21, 3102.50, 3104.30, 3105.20, 3105.30, 3105.40, 3105.51, 3105.59, 3105.60 and 3105.90), the entry "30%" shall be substituted;

(22) in Chapter 32, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3201.10, 3201.20, 3201.90, 3206.11 and 3206.19), the entry "30%" shall be substituted;

(23) in Chapter 33,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 3302.10), the entry "40%" shall be substituted;

(ii) in sub-heading No. 3302.10, for the entry in column (4), the entry "190%" shall be substituted;

(24) in Chapter 34,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3402.11, 3402.12, 3402.13 and 3402.19), the entry "40%" shall be substituted;

(ii) in sub-heading Nos. 3402.11, 3402.12, 3402.13 and 3402.19, for the entries in column (4) and column (5) occurring against each of them, the entries "40%" and "30%" shall respectively be substituted;

(25) in Chapter 35, for the entry in column (4) occurring against all the sub-heading Nos., the entry "30%" shall be substituted;

(26) in Chapter 36, for the entry in column (4) occurring against all the sub-heading Nos., the entry "30%" shall be substituted;

(27) in Chapter 37, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3701.20 and 3702.20), the entry "25%" shall be substituted;

(28) in Chapter 38,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3801.10, 3802.10, 3812.10, 3815.11, 3815.12, 3815.19, 3815.90 and 3817.10), the entry "30%" shall be substituted;

(ii) in sub-heading No. 3817.10, for the entry in column (4) the entry "20%" shall be substituted;

(iii) in sub-heading Nos. 3801.10, 3802.10 and 3812.10, for the entries in column (4) and column (5) occurring against each of them, the entries "30%" and "20%" shall respectively be substituted;

(iv) in sub-heading Nos. 3815.11 and 3815.12, for the entries in column (4) and column (5) occurring against each of them, the entries "25%" and "15%" shall respectively be substituted;

(v) in sub-heading Nos. 3815.19 and 3815.90, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(29) in Chapter 39, in sub-heading Nos. 3916.10, 3916.20, 3916.90, 3917.10, 3917.21, 3917.22, 3917.23, 3917.29, 3917.31, 3917.32, 3917.33, 3917.39, 3917.40, 3918.10, 3918.90, 3919.10, 3919.90, 3920.10, 3920.20, 3920.30, 3920.41, 3920.42, 3920.51, 3920.59, 3920.61, 3920.62, 3920.63, 3920.69, 3920.71, 3920.72, 3920.73, 3920.79, 3920.91, 3920.92, 3920.93, 3920.94, 3920.99, 3921.11, 3921.12, 3921.13, 3921.14, 3921.19, 3921.90, 3922.10, 3922.20, 3922.90, 3923.10, 3923.21, 3923.29, 3923.30, 3923.40, 3923.50, 3923.90, 3924.10, 3924.90, 3925.10, 3925.20, 3925.30, 3925.90, 3926.10, 3926.20, 3926.30, 3926.40 and 3926.90, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(30) in Chapter 40, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 4001.10, 4001.21, 4001.22, 4001.29 and 4011.30), the entry "40%" shall be substituted;

(31) in Chapter 42, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(32) in Chapter 43,—

(i) in sub-heading Nos. 4301.30 and 4302.13, for the entry in column (4) occurring against each of them, the entry "Free" shall be substituted;

(ii) in sub-heading Nos. 4303.10, 4303.90 and 4304.00, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(33) in Chapter 44, in sub-heading Nos. 4401.10, 4401.21, 4401.22, 4401.30, 4402.00, 4403.10, 4403.20, 4403.41, 4403.49, 4403.91, 4403.92 and 4403.99, for the entry in column (4) occurring against each of them, the entry "Free" shall be substituted;

(34) in Chapter 46, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(35) in Chapter 48,—

(i) in sub-heading Nos. 4812.00, 4813.10, 4813.20, 4813.90, 4814.10, 4814.20, 4814.30, 4814.90, 4815.00, 4816.10, 4816.20, 4816.30, 4816.90, 4817.10, 4817.20, 4817.30, 4818.10, 4818.20, 4818.30, 4818.40, 4818.50, 4818.90, 4819.10, 4819.20, 4819.30, 4819.40, 4819.50, 4819.60, 4820.10, 4820.20, 4820.30, 4820.40, 4820.50, 4820.90, 4821.10, 4821.90, 4822.10, 4822.90, 4823.11, 4823.19, 4823.40, 4823.51, 4823.59, 4823.60, 4823.70 and 4823.90, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(ii) in sub-heading No. 4823.20, for the entry in column (4), the entry "20%" shall be substituted;

(36) in Chapter 49, in sub-heading Nos. 4905.10, 4905.91, 4905.99 and 4906.00, for the entry in column (4) occurring against each of them, the entry "Free" shall be substituted;

(37) in Chapter 50, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 5002.00), the entry "30%" shall be substituted;

(38) in Chapter 51,—

(i) in sub-heading Nos. 5101.11, 5101.19, 5101.21, 5101.29, 5101.30, 5102.10, 5102.20, 5103.10, 5103.20, 5103.30 and 5104.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(ii) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 5101.11, 5101.19, 5101.21, 5101.29, 5101.30, 5102.10, 5102.20, 5103.10, 5103.20, 5103.30, 5104.00 and 5105.30), the entry "40%" shall be substituted;

(39) in Chapter 52,—

(i) in sub-heading No. 5201.00, for the entry in column (4), the entry "Free" shall be substituted;

(ii) in sub-heading Nos. 5202.10, 5202.91, 5202.99, 5204.11, 5205.11, 5205.12, 5205.13, 5205.14, 5205.15, 5205.21, 5205.22, 5205.23, 5205.24, 5205.26, 5205.27, 5205.28, 5205.31, 5205.32, 5205.33, 5205.34, 5205.35, 5205.41, 5205.42, 5205.43, 5205.44, 5205.46, 5205.47, 5205.48 and 5207.10, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(iii) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 5201.00, 5202.10, 5202.91, 5202.99, 5204.11, 5205.11, 5205.12, 5205.13, 5205.14, 5205.15, 5205.21, 5205.22, 5205.23, 5205.24, 5205.26, 5205.27, 5205.28, 5205.31, 5205.32, 5205.33, 5205.34, 5205.35, 5205.41, 5205.42, 5205.43, 5205.44, 5205.46, 5205.47, 5205.48 and 5207.10), the entry "40%" shall be substituted;

(40) in Chapter 53, in sub-heading Nos. 5306.10, 5306.20, 5307.10, 5307.20, 5308.10, 5308.20, 5308.30, 5308.90, 5309.11, 5309.19, 5309.21, 5309.29, 5310.10, 5310.90 and 5311.00, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(41) in Chapter 54, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 5402.10, 5402.20, 5402.31, 5402.32, 5402.33, 5402.39, 5402.41, 5402.42, 5402.43, 5402.49, 5402.51, 5402.52, 5402.59, 5402.61, 5402.62, 5402.69, 5403.10, 5403.20, 5403.31, 5403.32, 5403.33, 5403.39, 5403.41, 5403.42 and 5403.49), the entry "40%" shall be substituted;

(42) in Chapter 55, —

(i) in sub-heading Nos. 5505.10 and 5505.20, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(ii) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 5501.10, 5501.20, 5501.30, 5501.90, 5502.00, 5503.10, 5503.20, 5503.30, 5503.40, 5503.90, 5504.10, 5504.90, 5505.10, 5505.20, 5506.10, 5506.20, 5506.30, 5506.90 and 5507.00), the entry "40%" shall be substituted;

(43) in Chapter 56, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(44) in Chapter 57, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(45) in Chapter 58,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 5802.11 and 5802.19), the entry "40%" shall be substituted;

(ii) in sub-heading Nos. 5802.11 and 5802.19, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(46) in Chapter 59, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(47) in Chapter 60, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(48) in Chapter 61, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(49) in Chapter 62, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(50) in Chapter 63,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 6310.10 and 6310.90), the entry "40%" shall be substituted;

(ii) in sub-heading Nos. 6310.10 and 6310.90, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(51) in Chapter 64, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(52) in Chapter 65, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(53) in Chapter 66, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(54) in Chapter 67, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(55) in Chapter 68, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 6806.10, 6806.20 and 6806.90), the entry "40%" shall be substituted;

(56) in Chapter 69, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 6902.10, 6902.20 and 6902.90), the entry "40%" shall be substituted;

(57) in Chapter 70, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(58) in Chapter 71, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(59) in Chapter 72, in sub-heading Nos. 7202.11, 7202.19, 7202.21, 7202.29, 7202.30, 7202.41, 7202.49, 7202.50, 7202.60, 7202.70, 7202.80, 7202.91, 7202.92, 7202.93 and 7202.99, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(60) in Chapter 75, for the entry in column (4) occurring against all the sub-heading Nos., the entry "10%" shall be substituted;

(61) in Chapter 76, in sub-heading Nos. 7601.10, 7601.20 and 7602.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(62) in Chapter 80, for the entry in column (4) occurring against all the sub-heading Nos., the entry "20%" shall be substituted;

(63) in Chapter 82,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8212.10, 8212.20, 8212.90, 8213.00, 8214.10, 8214.20, 8214.90, 8215.10, 8215.20, 8215.91 and 8215.99), the entry "25%" shall be substituted;

(ii) for the entry in column (4) occurring against sub-heading Nos. 8212.10, 8212.20, 8212.90, 8213.00, 8214.10, 8214.20, 8214.90, 8215.10, 8215.20, 8215.91 and 8215.99, the entry "40%" shall be substituted;

(64) in Chapter 83, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(65) in Chapter 84,—

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8407.21, 8414.30, 8414.80, 8414.90, 8415.10, 8415.20, 8415.81, 8415.82, 8415.83, 8415.90, 8418.10, 8418.21, 8418.22, 8418.29, 8418.91, 8418.99, 8422.11, 8422.19, 8422.90, 8423.10, 8447.20, 8448.11, 8448.19, 8448.51, 8448.59, 8450.11, 8450.12, 8450.19, 8450.20, 8450.90, 8451.10, 8451.90, 8452.10, 8452.30, 8452.40, 8452.90, 8469.11, 8469.12, 8469.20, 8469.30, 8470.10, 8470.21, 8470.29, 8470.30, 8470.40, 8470.50, 8470.90, 8472.10, 8472.20, 8472.30, 8472.90, 8473.10, 8473.21, 8473.29, 8473.40, 8473.50, 8479.50, 8479.60, 8479.89, 8482.10, 8482.20, 8482.30, 8482.40, 8482.50, 8482.80, 8482.91, 8482.99, 8485.10 and 8485.90), the entry "20%" shall be substituted;

(ii) in sub-heading No. 8407.21, for the entry in column (4), the entry "5%" shall be substituted;

(iii) in sub-heading Nos. 8414.30, 8414.80 and 8414.90, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(iv) in sub-heading Nos. 8415.10, 8415.20, 8415.81, 8415.82, 8415.83, 8415.90, 8418.10, 8418.21, 8418.22, 8418.29, 8418.91, 8418.99, 8422.11, 8422.19, 8422.90, 8423.10, 8447.20, 8448.11, 8448.19, 8448.51, 8448.59, 8450.11, 8450.12 and 8450.19, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(v) in sub-heading No. 8450.20, for the entry in column (4), the entry "30%" shall be substituted;

(vi) in sub-heading No. 8450.90, for the entry in column (4), the entry "40%" shall be substituted;

(vii) in sub-heading Nos. 8451.10 and 8451.90, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(viii) in sub-heading Nos. 8452.10, 8452.30, 8452.40, 8452.90, 8469.11, 8469.12, 8469.20, 8469.30, 8470.10, 8470.21, 8470.29, 8470.30, 8470.40, 8470.50, 8470.90, 8472.10, 8472.20, 8472.30, 8472.90, 8473.10, 8473.21, 8473.29, 8473.40 and 8473.50, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(ix) in sub-heading Nos. 8479.50, 8479.60 and 8479.89, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(x) in sub-heading Nos. 8482.10, 8482.20, 8482.30, 8482.40, 8482.50, 8482.80, 8482.91 and 8482.99, for the entry in column (4) occurring against each of them, the entry "10% plus Rs. 150 per Kg." shall be substituted;

(xi) in sub-heading Nos. 8485.10 and 8485.90, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(66) in Chapter 85,—

(i) in sub-heading No. 8501.10, for the entry in column (4), the entry “40%” shall be substituted;

(ii) in sub-heading Nos. 8501.20, 8501.31, 8501.32, 8501.33, 8501.34, 8501.40, 8501.51, 8501.52, 8501.53, 8501.61, 8501.62, 8501.63, 8501.64, 8502.11, 8502.12, 8502.13, 8502.20, 8502.31, 8502.39, 8502.40, 8503.00, 8504.10, 8504.21, 8504.22, 8504.23, 8504.31, 8504.32, 8504.33, 8504.34, 8504.40, 8504.50, 8504.90, 8505.11, 8505.19, 8505.20, 8505.30 and 8505.90, for the entry in column (4) occurring against each of them, the entry “20%” shall be substituted;

(iii) in sub-heading Nos. 8506.10, 8506.30, 8506.40, 8506.50, 8506.60, 8506.80, 8506.90, 8507.10, 8507.20, 8507.30, 8507.40, 8507.80 and 8507.90, for the entry in column (4) occurring against each of them, the entry “40%” shall be substituted;

(iv) in sub-heading Nos. 8508.10, 8508.20, 8508.80 and 8508.90, for the entry in column (4) occurring against each of them, the entry “30%” shall be substituted;

(v) in sub-heading Nos. 8509.10, 8509.20, 8509.30, 8509.40, 8509.80, 8509.90, 8510.10, 8510.20, 8510.30, 8510.90, 8511.10, 8511.20, 8511.30, 8511.40, 8511.50, 8511.80, 8511.90, 8512.10, 8512.20, 8512.30, 8512.40, 8512.90, 8513.10 and 8513.90, for the entry in column (4) occurring against each of them, the entry “40%” shall be substituted;

(vi) in sub-heading Nos. 8514.10, 8514.20, 8514.30, 8514.40, 8514.90, 8515.11, 8515.19, 8515.21, 8515.29, 8515.31, 8515.39, 8515.80 and 8515.90, for the entry in column (4) occurring against each of them, the entry “20%” shall be substituted;

(vii) in sub-heading Nos. 8516.10, 8516.21, 8516.29, 8516.31, 8516.32, 8516.33, 8516.40, 8516.50, 8516.60, 8516.71, 8516.72, 8516.79, 8516.80 and 8516.90, for the entry in column (4) occurring against each of them, the entry “40%” shall be substituted;

(viii) in sub-heading Nos. 8517.11, 8517.19, 8517.21, 8517.22, 8517.30, 8517.50 and 8517.80, for the entry in column (4) occurring against each of them, the entry “30%” shall be substituted;

(ix) in sub-heading Nos. 8517.90 and 8518.90, for the entry in column (4) occurring against each of them, the entry “20%” shall be substituted;

(x) in sub-heading Nos. 8518.10, 8518.21, 8518.22, 8518.29, 8518.30, 8518.40, 8518.50, 8519.10, 8519.21, 8519.29, 8519.31, 8519.39, 8519.40, 8519.92, 8519.93, 8519.99, 8520.10, 8520.20, 8520.32, 8520.33, 8520.39, 8520.90, 8521.10, 8521.90, 8522.90, 8523.11, 8523.12, 8523.13, 8523.20, 8523.30, 8523.90, 8524.10, 8524.31, 8524.32, 8524.39, 8524.40, 8524.51, 8524.52, 8524.53, 8524.60, 8524.91 and 8524.99, for the entry in column (4) occurring against each of them, the entry “40%” shall be substituted;

(xi) in sub-heading Nos. 8525.10 and 8525.20, for the entry in column (4) occurring against each of them, the entry “30%” shall be substituted;

(xii) in sub-heading Nos. 8525.30, 8525.40, 8526.10, 8526.91, 8526.92, 8527.12, 8527.13, 8527.19, 8527.21, 8527.29, 8527.31, 8527.32 and 8527.39, for the entry in column (4) occurring against each of them, the entry “40%” shall be substituted;

(xiii) in sub-heading No. 8527.90, for the entry in column (4), the entry “30%” shall be substituted;

(xiv) in sub-heading Nos. 8528.12, 8528.13, 8528.21, 8528.22 and 8528.30, for the entry in column (4) occurring against each of them, the entry “40%” shall be substituted;

(xv) in sub-heading Nos. 8529.10, 8529.90, 8530.10, 8530.80 and 8530.90, for the entry in column (4) occurring against each of them, the entry “20%” shall be substituted;

(xvi) in sub-heading Nos. 8531.10, 8531.20, 8531.80, 8531.90, 8532.10, 8532.21, 8532.22, 8532.23, 8532.24, 8532.25, 8532.29, 8532.30 and 8532.90, for the entry in column (4) occurring against each of them, the entry “40%” shall be substituted;

(xvii) in sub-heading Nos. 8535.10, 8535.21, 8535.29, 8535.30, 8535.40, 8535.90, 8536.10, 8536.20, 8536.30, 8536.41, 8536.49, 8536.50, 8536.61, 8536.69, 8536.90, 8537.10, 8537.20, 8538.10 and 8538.90, for the entry in column (4) occurring against each of them, the entry “30%” shall be substituted;

(xviii) in sub-heading Nos. 8539.10, 8539.21, 8539.22, 8539.29, 8539.31, 8539.32, 8539.39, 8539.41, 8539.49 and 8539.90, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(xix) in sub-heading No. 8540.11, for the entry in column (4), the entry "30%" shall be substituted;

(xx) in sub-heading Nos. 8540.40, 8542.12, 8542.13, 8542.14, 8542.19, 8542.30, 8542.40, 8542.50 and 8542.90, for the entry in column (4) occurring against each of them, the entry "10%" shall be substituted;

(xxi) in sub-heading Nos. 8543.11, 8543.19, 8543.20 and 8543.30, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(xxii) in sub-heading Nos. 8543.40, 8543.81 and 8543.89, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(xxiii) in sub-heading No. 8543.90, for the entry in column (4), the entry "20%" shall be substituted;

(xxiv) in sub-heading Nos. 8544.11, 8544.19, 8544.20, 8544.30, 8544.41, 8544.49, 8544.51, 8544.59, 8544.60 and 8544.70, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(xxv) in sub-heading Nos. 8545.11, 8545.19, 8545.20, 8545.90, 8546.10, 8546.20, 8546.90, 8547.10, 8547.20 and 8547.90, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(xxvi) in sub-heading No. 8548.90, for the entry in column (4), the entry "30%" shall be substituted;

(67) in Chapter 86, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8607.11, 8607.12, 8607.19, 8607.21, 8607.29, 8607.30, 8607.91, 8607.99 and 8608.00), the entry "40%" shall be substituted;

(68) in Chapter 87, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 8710.00), the entry "40%" shall be substituted;

(69) in Chapter 88, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8802.20, 8802.30, 8802.40, 8803.10, 8803.20 and 8803.30), the entry "40%" shall be substituted;

(70) in Chapter 89, —

(i) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 8908.00), the entry "40%" shall be substituted;

(ii) in sub-heading No. 8908.00, for the entry in column (4), the entry "5%" shall be substituted;

(71) in Chapter 90, —

(i) in sub-heading Nos. 9001.10, 9001.20, 9001.30, 9001.40, 9001.50, 9001.90, 9002.11, 9002.19, 9002.20, 9002.90, 9003.11, 9003.19, 9003.90, 9004.10, 9004.90, 9005.10, 9005.80, 9005.90, 9006.10, 9006.20, 9006.30, 9006.40, 9006.51, 9006.52, 9006.53, 9006.59, 9006.61, 9006.62, 9006.69, 9007.11, 9007.19, 9007.20, 9008.10, 9008.20, 9008.30, 9008.40, 9009.11, 9009.12, 9009.21, 9009.22, 9009.30, 9010.10, 9010.41, 9010.42, 9010.49, 9010.50, 9010.60, 9022.19, 9022.29, 9022.30 and 9022.90, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(ii) in sub-heading Nos. 9006.91, 9006.99, 9007.91, 9007.92, 9008.90, 9009.90 and 9010.90, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(iii) in sub-heading Nos. 9011.10, 9011.20, 9011.80, 9011.90, 9012.10, 9012.90, 9013.10, 9013.20, 9013.80, 9013.90, 9014.10, 9014.20, 9014.80, 9014.90, 9015.10, 9015.20, 9015.30, 9015.40, 9015.80, 9015.90, 9016.00, 9017.10, 9017.20, 9017.30, 9017.80, 9017.90, 9018.11, 9018.12, 9018.13, 9018.14, 9018.19, 9018.20, 9018.31, 9018.32, 9018.39, 9018.41, 9018.49, 9018.50, 9018.90, 9019.10, 9019.20, 9020.00, 9021.11, 9021.19, 9021.21, 9021.29, 9021.30,

9021.40, 9021.50, 9021.90, 9022.12, 9022.13, 9022.14, 9022.21, 9023.00, 9024.10, 9024.80, 9024.90, 9025.11, 9025.19, 9025.80, 9025.90, 9026.10, 9026.20, 9026.80, 9026.90, 9027.10, 9027.20, 9027.30, 9027.40, 9027.50, 9027.80, 9027.90, 9028.10, 9028.20, 9028.30, 9028.90, 9029.10, 9029.20, 9029.90, 9030.10, 9030.20, 9030.31, 9030.39, 9030.40, 9030.82, 9030.83, 9030.89, 9030.90, 9031.10, 9031.20, 9031.30, 9031.41, 9031.49, 9031.80, 9031.90, 9032.10, 9032.20, 9032.81, 9032.89, 9032.90 and 9033.00, for the entry in column (4) occurring against each of them, the entry "20%" shall be substituted;

(72) in Chapter 91,—

(i) in sub-heading Nos. 9101.11, 9101.12, 9101.19, 9101.21, 9101.29, 9101.91, 9101.99, 9102.11, 9102.12, 9102.19, 9102.21, 9102.29, 9102.91, 9102.99, 9103.10, 9103.90, 9104.00, 9105.11, 9105.19, 9105.21, 9105.29, 9105.91, 9105.99, 9106.10, 9106.20, 9106.90, 9107.00, 9111.10, 9111.90 and 9113.10, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(ii) in sub-heading Nos. 9108.11, 9108.12, 9108.19, 9108.20, 9108.91, 9108.99, 9109.11, 9109.19, 9109.90, 9110.11, 9110.12, 9110.19, 9110.90, 9114.10, 9114.20, 9114.30, 9114.40 and 9114.90, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(iii) in sub-heading Nos. 9111.20, 9111.80, 9112.10, 9112.80, 9112.90, 9113.20 and 9113.90, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(73) in Chapter 93, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(74) in Chapter 94, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(75) in Chapter 95, for the entry in column (4) occurring against all the sub-heading Nos., the entry "25%" shall be substituted;

(76) in Chapter 96, for the entry in column (4) occurring against all the sub-heading Nos., the entry "40%" shall be substituted;

(77) in Chapter 97, in sub-heading Nos. 9701.10, 9701.90, 9702.00, 9703.00 and 9706.00, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted;

(78) in Chapter 98,—

(i) in sub-heading No. 9801.00, for the entry in column (4), the entry "20%" shall be substituted;

(ii) in sub-heading Nos. 9802.00 and 9804.10, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(iii) in sub-heading Nos. 9804.90, 9805.10 and 9805.90, for the entry in column (4) occurring against each of them, the entry "40%" shall be substituted.

THE THIRD SCHEDULE

(See section 82)

PART I

In the Schedule to the Central Excise Tariff Act,—

(1) in Chapter 4, in sub-heading No. 0401.14, for the entry in column (4), the entry "13%" shall be substituted;

(2) in Chapter 7, in NOTE 2, for clauses (b) and (c), the following clauses shall be substituted, namely:—

"(b) flour, meal, powder, flakes, granules and pellets of potatoes (Chapter 11);

(c) flour, meal and powder of the dried leguminous vegetables of Chapter 7 (Chapter 11).";

(3) in Chapter 11, in sub-heading Nos. 1102.00 and 1103.00, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(4) in Chapter 13, in NOTE 1, for clause (f), the following clause shall be substituted, namely:—

"(f) Essential oils, concretes, absolutes, resinoids, extracted oleoresins, aqueous distillates or aqueous solutions of essential oils or preparations based on odoriferous substances of a kind used for the manufacture of beverages (Chapter 33); or";

(5) in Chapter 15,—

(i) in NOTE 1, in clause (e), the words "in an isolated state" shall be omitted;

(ii) heading No. 15.05 and the entries relating thereto shall be omitted;

(iii) in sub-heading Nos. 1507.00 and 1508.10, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(6) in Chapter 17,—

(i) in sub-heading No. 1701.90, for the entry in column (4), the entry "18%" shall be substituted;

(ii) in sub-heading Nos. 1702.19, 1702.21, 1702.29 and 1702.30, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(iii) in sub-heading Nos. 1703.10 and 1703.90, for the entry in column (4) occurring against each of them, the entry "Rs. 500 per tonne" shall be substituted;

(iv) in sub-heading No. 1704.10, for the entry in column (4), the entry "18%" shall be substituted;

(v) in sub-heading No. 1704.90, for the entry in column (4), the entry "8%" shall be substituted;

(7) in Chapter 18,—

(i) after NOTE 2, the following NOTE shall be inserted, namely :—

'3. In relation to products of this Chapter, labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to "manufacture".';

(ii) for the entry in column (4) occurring against all the sub-heading Nos., the entry "18%" shall be substituted;

(8) in Chapter 19,—

(i) for NOTE 2, the following NOTE shall be substituted, namely:—

"2. Heading No. 19.04 does not cover preparations containing more than 6% by weight of cocoa calculated on a totally defatted basis or coated with chocolates or other food prepara-

tions containing cocoa of Chapter 18 (Chapter 18).”;

(ii) after NOTE 2, the following NOTE shall be inserted, namely:—

‘3. In relation to products of this Chapter, labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to “manufacture”.’;

(iii) in sub-heading No. 1903.10, in the entry in column (3), the words “and ordinarily intended for sale” shall be omitted;

(iv) in sub-heading Nos. 1905.11, 1905.21 and 1905.29, for the entry in column (4) occurring against each of them, the entry “8%” shall be substituted;

(9) in Chapter 20, after NOTE 2, the following NOTES shall be inserted, namely :—

‘3. In relation to products of this Chapter, labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to “manufacture”.

4. In this Chapter, “brand name” means a brand name, whether registered or not, that is to say, a name or a mark, such as a symbol, monogram, label, signature or invented words or any writing which is used in relation to a product, for the purpose of indicating, or so as to indicate, a connection in the course of trade between the product and some person using such name or mark with or without any indication of the identity of that person.’;

(10) in Chapter 21,—

(i) for NOTE 7, the following NOTE shall be substituted, namely:—

‘7. In relation to products of this Chapter, labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to “manufacture”.’;

(ii) in sub-heading Nos. 2101.10 and 2101.20, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(iii) in sub-heading Nos. 2102.90 and 2105.00, for the entry in column (4) occurring against each of them, the entry “13%” shall be substituted;

(iv) in sub-heading Nos. 2107.00, 2108.20 and 2108.99, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(11) in Chapter 22,—

(i) in sub-heading Nos. 2201.19 and 2202.19, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(ii) in sub-heading No. 2202.30, for the entry in column (4), the entry “8%” shall be substituted;

(iii) in sub-heading Nos. 2202.99 and 2203.00, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(12) in Chapter 24,—

(i) in sub-heading No. 2403.11, for the entry in column (4), the entry “Rs. 61 per thousand” shall be substituted;

(ii) in sub-heading No. 2403.12, for the entry in column (4), the entry “Rs. 238 per thousand” shall be substituted;

(iii) in sub-heading No. 2403.13, for the entry in column (4), the entry “Rs. 340 per thousand” shall be substituted;

(iv) in sub-heading No. 2403.14, for the entry in column (4), the entry “Rs. 558 per thousand” shall be substituted;

(v) in sub-heading No. 2403.15, for the entry in column (4), the entry "Rs. 748 per thousand" shall be substituted;

(vi) in sub-heading No. 2404.31, for the entry in column (4), the entry "Rs. 4. 60 per thousand" shall be substituted;

(vii) in sub-heading No. 2404.39, for the entry in column (4), the entry "Rs. 11.50 per thousand" shall be substituted;

(13) in Chapter 25,—

(i) after NOTE 3, the following NOTE shall be inserted, namely:—

"4. In relation to marble slabs of heading No. 25.04, if a manufacturer clears irregularly shaped marbles, he shall have the option, to discharge the duty on the slabs by treating one cubic metre of marble blocks as equivalent to 30 square metres of marble slabs, the volume of the blocks being determined with reference to the maximum length, width and height of the block.";

(ii) in sub-heading No. 2502.10, for the entry in column (4), the entry "Rs. 200 per tonne" shall be substituted;

(iii) in sub-heading No. 2502.21, for the entry in column (4), the entry "25%" shall be substituted;

(iv) in sub-heading No. 2502.29, for the entry in column (4), the entry "Rs. 350 per tonne" shall be substituted;

(v) in sub-heading Nos. 2502.30, 2502.40, 2502.50 and 2502.90, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(14) in Chapter 26,—

(i) in NOTE 1, for clause (e), the following clause shall be substituted, namely:—

"(e) Waste or scrap of precious metal or of metal clad with precious metal; other waste or scrap containing precious metal or precious metal compounds, of a kind used principally for the recovery of precious metal (Chapter 71); or";

(ii) in heading No. 26.02, for the entry in column (3), the following entry shall be substituted, namely:—

"MANGANESE ORES AND CONCENTRATES, INCLUDING FERRUGINOUS MANGANESE ORES AND CONCENTRATES WITH A MANGANESE CONTENT OF 20% OR MORE, CALCULATED ON THE DRY WEIGHT";

(iii) for the entry in column (4) occurring against all the sub-heading Nos., the entry "8%" shall be substituted;

(15) in Chapter 27, in sub-heading Nos. 2707.10, 2707.20, 2707.30, 2707.40, 2707.50, 2707.60 and 2707.90, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(16) in Chapter 28,—

(i) in NOTE 1, for clause (d), the following clause shall be substituted, namely:—

"(d) The products mentioned in (a), (b) or (c) above with an added stabiliser (including an anti-caking agent) necessary for their preservation or transport";

(ii) in NOTE 3,—

(a) for clause (e), the following clause shall be substituted, namely:—

"(e) Artificial graphite (heading No. 38.01); products put up as charges for fire extinguishers or put up in fire-extinguishing grenades, of heading No. 38.13, ink removers put up in packings for retail sale, of heading No. 38.24; cultured crystals (other than optical elements) weighing not less than 2.5 g. each, of the halides of the alkali or alkaline-earth metals, of heading No. 38.24";

(b) for clause (g), the following clause shall be substituted, namely:—

"(g) The metals, whether or not pure, metal alloys or cermets, including sintered metal carbides (metal carbides sintered with a metal), of Section XV; or"

(iii) after NOTE 9, the following NOTE shall be inserted, namely:—

'10. In relation to products of this Chapter, labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to "manufacture".';

(iv) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 2804.11, 2804.19, 2804.90, 2805.00, 2811.10, 2811.90, 2814.00, 2833.10, 2833.20, 2844.00, 2845.10, 2845.90, 2847.11, 2851.10 and 2851.90), the entry "18%" shall be substituted;

(v) for the entry in column (4) occurring against sub-heading Nos. 2804.11, 2833.10 and 2847.11, the entry "8%" shall be substituted;

(17) in Chapter 29,—

(i) in NOTE 1, for clause (f), the following clause shall be substituted, namely:—

"(f) The products mentioned in (a), (b), (c), (d) or (e) above with an added stabiliser (including an anti-caking agent) necessary for their preservation or transport;"

(ii) in NOTE 2,—

(a) in clause (a), for the word "glycerol", the words "crude glycerol" shall be substituted;

(b) for clause (ij), the following clause shall be substituted, namely:—

"(ij) Products put up as charges for fire-extinguishers or put up in fire-extinguishing grenades, of heading No. 38.13; ink removers put up in packings for retail sale, of heading No. 38.24;"

(iii) in NOTE 5,—

(a) in clause (b), for the words "ethyl alcohol or glycerol", the words "ethyl alcohol" shall be substituted;

(b) in clause (d), for the words "ethanol and glycerol", the words "ethanol" shall be substituted;

(iv) after NOTE 10, the following NOTE shall be inserted, namely:—

'11. In relation to products of this Chapter, labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to "manufacture".';

(v) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 2925.10, 2933.10, 2933.90 and 2934.00), the entry "18%" shall be substituted;

(vi) for the entry in column (4) occurring against sub-heading Nos. 2925.10, the entry "13%" shall be substituted;

(18) in Chapter 30,—

(i) after NOTE 5, the following NOTE shall be inserted, namely:—

"6. In relation to products of heading No. 30.04, 'brand name' means a brand name, whether registered or not, that is to say, a name or a mark, such as a symbol, monogram, label, signature or invented word or any writing which is used in relation to a product, for the purpose of indicating, or so as to indicate, a connection in the course of trade between the product and some person using such name or mark with or without any indication of the identity of that person.";

(ii) in sub-heading No. 3003.39, for the entry in column (4), the entry "8%" shall be substituted;

(19) in Chapter 31,—

(i) in NOTE 1, in clause (c), for the figures "38.23", the figures "38.24" shall be substituted;

(ii) for the entry in column (4) occurring against sub-heading Nos. 3102.00, 3103.00, 3104.00 and 3105.00, the entry "18%" shall be substituted;

(20) in Chapter 32, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 3215.00), the entry "18%" shall be substituted;

(21) in Chapter 33,—

(i) in NOTE 1, clauses (a) to (c) shall be renumbered as clauses (b) to (d) respectively and before clause (b) as so renumbered, the following clause shall be inserted, namely:—

“(a) Natural oleoresins or vegetable extracts of heading No.13.01;”;

(ii) after NOTE 6, the following NOTE shall be inserted, namely:—

‘7. The expression “odoriferous substances” in heading No. 33.02 refers only to the substances of heading No. 33.01, to odoriferous constituents isolated from those substances or to synthetic aromatics.’;

(iii) in heading No. 33.01, in column (3), for the word “RESINOIDS;”, the words “RESINOIDS; EXTRACTED OLEORESINS;” shall be substituted;

(iv) in heading No. 33.02, for the entry in column (3), the following entry shall be substituted, namely:—

“MIXTURES OF ODORIFEROUS SUBSTANCES AND MIXTURES WITH A BASIS OF ONE OR MORE OF THESE SUBSTANCES, OF A KIND USED AS RAW MATERIALS IN INDUSTRY; OTHER PREPARATIONS BASED ON ODORIFEROUS SUBSTANCES, OF A KIND USED FOR THE MANUFACTURE OF BEVERAGES”;

(v) for the entry in column (4) occurring against sub-heading Nos. 3301.00, 3302.10, 3302.90, 3303.00, 3305.10, 3305.91, 3306.90, 3307.31 and 3307.49, the entry “18%” shall be substituted;

(vi) for the entry in column (4) occurring against sub-heading Nos. 3304.00, 3305.99, 3307.10, 3307.20, 3307.39 and 3307.90, the entry “30%” shall be substituted;

(vii) for the entry in column (4) occurring against sub-heading No. 3306.10, the entry “8%” shall be substituted;

(22) in Chapter 34,—

(i) for NOTE 6, the following NOTE shall be substituted, namely:—

‘6. In relation to products of this Chapter, labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to “manufacture”.’;

(ii) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3401.11, 3401.12, 3402.10, 3403.10 and 3406.10), the entry “18%” shall be substituted;

(iii) for the entry in column (4) occurring against sub-heading No. 3401.11, the entry “8%” shall be substituted;

(23) in Chapter 35,—

(i) after NOTE 2, the following NOTE shall be inserted, namely:—

‘3. In relation to products of this Chapter, labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to “manufacture”.’;

(ii) for the entry in column (4) occurring against all the sub-heading Nos., the entry “18%” shall be substituted;

(24) in Chapter 36, for the entry in column (4) occurring against all the sub-headings Nos. (except sub-heading No. 3605.00), the entry “18%” shall be substituted;

(25) in Chapter 37,—

(i) in NOTE 1, the word “materials” shall be omitted;

(ii) for NOTE 2, the following NOTE shall be substituted, namely:—

‘2. In this Chapter, the word “photographic” relates to the process by which visible images are formed, directly or indirectly, by the action of light or other forms of radiation on photosensitive surfaces.’;

(iii) in sub-heading Nos. 3701.10 and 3702.10, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(iv) for the entry in column (4) occurring against sub-heading Nos. 3701.20, 3701.90, 3702.20, 3702.90, 3703.10, 3703.20, 3704.10, 3704.20, 3704.90 and 3707.00, the entry "18%" shall be substituted;

(26) in Chapter 38,—

(i) in NOTE 1, in clause (a),—

(a) for sub-clause (2), the following sub-clause shall be substituted, namely:—

"(2) Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up as described in Heading No. 38.08;"

(b) for sub-clause (4), the following sub-clause shall be substituted, namely:—

"(4) Products specified in NOTE 3(a) or 3(c) below.";

(ii) in NOTE 3,—

(a) for the figures "38.23", the figures "38.24" shall be substituted;

(b) for clause (c), the following clause shall be substituted, namely:—

"(c) Ink removers put up in packings for retail sale;"

(iii) after NOTE 4, the following NOTE shall be inserted, namely:—

'5. In relation to products of this Chapter (other than products of heading No. 38.08), labelling or relabelling of containers and repacking from bulk packs to retail packs or the adoption of any other treatment to render the product marketable to the consumer, shall amount to "manufacture".';

(iv) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 3805.00, 3806.10, 3806.20, 3806.90, 3808.10, 3808.20, 3818.00, 3822.00 and 3823.00), the entry "18%" shall be substituted;

(v) for the entry in column (4) occurring against sub-heading Nos. 3808.10 and 3808.20, the entry "8%" shall be substituted;

(27) in Chapter 39,—

(i) in NOTE 2,—

(a) for clause (d), the following clause shall be substituted, namely:—

"(d) Solutions (other than collodions) consisting of any of the products specified in heading Nos. 39.01 to 39.13 in volatile organic solvents when the weight of the solvent exceeds 50% of the weight of the solution (heading No. 32.08); stamping foils of heading No. 32.12;"

(b) clauses (g) to (u) shall be renumbered as clauses (h) to (v) respectively and before clause (h) as so renumbered, the following clause shall be inserted, namely:—

"(g) Diagnostic or laboratory reagents on a backing of plastics (heading No. 38.22);"

(ii) for NOTE 4, the following NOTE shall be substituted, namely:—

'4. The expression "copolymers" covers all polymers in which no single monomer unit contributes 95% or more by weight to the total polymer content.

For the purposes of this Chapter, except where the context otherwise requires, copolymers (including co-polycondensates, co-polyaddition products, block copolymers and graft copolymers) and polymer blends are to be classified in the heading covering polymers of that comonomer unit which predominates by weight over every other single comonomer unit. For the purposes of this NOTE, constituent comonomer units of polymers falling in the same heading shall be taken together.

If no single comonomer unit predominates, copolymers or polymer blends, as the case may be, are to be classified in the heading which occurs last in numerical order among those which equally merit consideration.”;

(iii) after NOTE 15, the following NOTE shall be inserted, namely:—

16. For the purposes of this Chapter, “insulated ware” shall mean any multi-walled or multi-layered article intended to provide thermal insulation.”;

(iv) in sub-heading Nos. 3903.20, 3903.30, 3904.61, 3905.10, 3905.20, 3905.90, 3906.10, 3906.20, 3906.90, 3907.10, 3907.20, 3907.30, 3907.40, 3907.50, 3907.60, 3907.70, 3907.80, 3907.91, 3907.99, 3908.10, 3908.90, 3909.10, 3909.20, 3909.30, 3909.40, 3909.51, 3909.52, 3909.59, 3909.60, 3910.00, 3911.10, 3911.20, 3911.90, 3912.11, 3912.12, 3912.20, 3912.31, 3912.39, 3912.90, 3913.10, 3913.20, 3913.30, 3913.90, 3914.00, 3917.00, 3920.21, 3920.22, 3920.23, 3920.24, 3920.25, 3920.26, 3920.27, 3920.28 and 3920.29 for the entry in column (4) occurring against each of them, the entry “25%” shall be substituted;

(28) in Chapter 40,—

(i) in sub-heading Nos. 4002.00, 4003.00, 4004.00, 4006.90, 4007.00, 4009.10, 4009.91, 4009.92 and 4009.99, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(ii) in sub-heading No. 4012.11, for the entry in column (4), the entry “45%” shall be substituted;

(iii) in sub-heading No. 4012.90, for the entry in column (4), the entry “25%” shall be substituted;

(iv) in sub-heading Nos. 4014.90, 4015.00, 4016.19, 4016.91, 4016.99, 4017.10 and 4017.20, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(29) in Chapter 42, in sub-heading Nos. 4201.10 and 4201.90, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(30) in Chapter 43, in sub-heading No. 4301.00, for the entry in column (4), the entry “25%” shall be substituted;

(31) in Chapter 44,—

(i) in NOTE 1, for clause (b), the following clause shall be substituted, namely:—

“(b) Bamboos or other materials of a woody nature of a kind used primarily for plaiting, in the rough, whether or not split, sawn lengthwise or cut to length (heading No.14.01);”;

(ii) for NOTE 6, the following NOTE shall be substituted, namely:—

“6. Heading No. 44.10 includes the following goods which are not to be classified in any other heading of this Schedule : (a) Resin bonded bamboo mats, namely, mats which are made by compressing two or more plies of only hand-woven bamboo mats, with the aid of resins; (b) Resin bonded bamboo mats having veneers in between, namely, mats which are made by compressing two or more plies of only hand-woven bamboo mats having veneers in between, with the aid of resins; (c) Resin bonded bamboo corrugated roofing sheets, namely, corrugated roofing sheets which are made by compressing two or more plies of woven bamboo mats, with or without veneers, with the aid of resins; and (d) Articles of particle board or similar board, fibreboard or laminated wood.

Heading No. 44.10 does not apply to tools in which the blade, working edge, working surface or other working part is formed by any of the materials specified in Note 1 to Chapter 82.”;

(iii) for NOTE 7, the following NOTE shall be substituted, namely:—

“7. Subject to Note 1 above and except where the context otherwise requires, any reference to ‘wood’ in a heading of this Chapter applies also to bamboos and other materials of a woody nature.”;

(iv) in sub-heading No. 4402.00, for the entry in column (4), the entry “18%” shall be substituted;

(v) in sub-heading Nos. 4406.10, 4406.20, 4406.30, 4406.90, 4407.10 and 4407.90, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(vi) in sub-heading Nos. 4408.10, 4408.20, 4408.30, 4408.40, 4408.90, 4409.00 and 4410.11, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(32) in Chapter 45, in heading No. 4501.00, for the entry in column (4), the entry "18%" shall be substituted;

(33) in Chapter 46, in NOTE 1, for the words and brackets "strips of other vegetable material (for example, raffia, narrow leaves or strips cut from broad leaves) or bark," the words and brackets "strips of other vegetable material (for example, strips of bark, narrow leaves and raffia or other strips obtained from broad leaves)," shall be substituted;

(34) in SECTION X, in the title, for the words "WASTE AND SCRAP OF PAPER OR PAPERBOARD", the words and brackets "RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD" shall be substituted;

(35) in Chapter 47, in the title, for the words "WASTE AND SCRAP OF PAPER OR PAPERBOARD", the words and brackets "RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD" shall be substituted;

(36) in Chapter 48,—

(i) in NOTE 1, clauses (f) to (n) shall be renumbered as clauses (g) to (o) respectively and before clause (g) as so renumbered, the following clause shall be inserted, namely:—

"(f) Paper impregnated with diagnostic or laboratory reagents (heading No. 38.22);";

(ii) in NOTE 2, the words "for example, by coating or impregnation", shall be omitted;

(iii) for NOTE 3, the following NOTE shall be substituted, namely:—

'3. In this Chapter "newsprint" means paper of a kind,—

(a) intended for the printing of newspapers; and

(b) manufactured by a manufacturer of newsprint specified under Schedule I of the Newsprint Control Order, 1962, and supplied against a purchase order placed upon such manufacturer by a newspaper which is registered by the Registrar of Newspapers for India under the provisions of the Press and Registration of Books Act, 1867 (25 of 1867).';

(iv) for NOTE 7, the following NOTE shall be substituted, namely:—

"7. Except where the terms of the headings otherwise require, paper, paperboard, cellulose wadding and webs of cellulose fibres answering to a description in two or more of the heading Nos. 48.01 to 48.11 are to be classified under that one of such headings which occurs last in numerical order in this Schedule.";

(v) after NOTE 11, the following SUB-HEADING NOTES shall be added, namely:—

"SUBHEADING NOTES:

1. Sub-heading No. 4802.10 applies only to writing or printing paper, manufactured from pulp, and supplied directly from the factory of its manufacture against a purchase order,—

(a) placed upon the manufacturer by a State Textbook Publication Corporation or Board, or in the case of States which do not have a State Textbook Publication Corporation or Board, by an officer not below the rank of a Deputy Secretary in the State Government concerned, or by the National Council for Educational Research and Training; and

(b) in which the said Corporation or Board or the said officer of the State Government concerned or the said Council, as the case may be, declares that the said paper shall be used for the printing of educational textbooks.

2. For the purposes of sub-heading No. 4802.20, the establishment, manufacturing the paper and paperboard, shall furnish a certificate, to an officer not below the rank of an Assistant Commissioner of Central Excise, from the Khadi and Village Industries Commission established under section 4 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), to the effect that such paper or paperboard is commercially recognised as hand-made paper or hand-made paperboard.

3. For the purposes of sub-heading No. 4804.20, the managing director or an officer of equivalent rank, in the Horticultural Produce Marketing or Processing Corporation of the State Government, shall specify the quantity of kraft paper or kraft paperboard intended for the manufacture of cartons for packing horticultural produce, and the manufacturer of cartons shall—

(a) follow the procedure under Chapter X of the Central Excise Rules, 1944; and

(b) furnish, within such period as the Assistant Commissioner of Central Excise having jurisdiction over his factory may specify, a certificate from the managing director of the said corporation to the effect that the cartons manufactured by using the aforesaid quantity of kraft paper or paperboard, have been used for the packing of horticultural produce.”;

(vi) in sub-heading Nos. 4803.00, 4806.10, 4806.20, 4806.90, 4807.10, 4807.91, 4807.92, 4807.99, 4809.10, 4809.20, 4809.90, 4810.10, 4810.20, 4810.90, 4812.00, 4813.00, 4814.00, 4815.00 and 4816.00, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(vii) in sub-heading No. 4819.19, for the entry in column (4), the entry “8%” shall be substituted;

(viii) in sub-heading Nos. 4819.90 and 4822.00, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(37) in Chapter 49, in sub-heading No. 4901.10, for the entry in column (4), the entry “18%” shall be substituted;

(38) in Chapter 50, in sub-heading No. 5004.19, for the entry in column (4), the entry “18%” shall be substituted;

(39) in Chapter 51,—

(i) in sub-heading Nos. 5105.10, 5105.21, 5105.29, 5105.30, 5105.40, 5106.12, 5106.13, 5107.11 and 5107.12, for the entry in column (4) occurring against each of them, the entry “8%” shall be substituted;

(ii) in sub-heading Nos. 5108.00 and 5109.00, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(40) in Chapter 52, in sub-heading Nos. 5205.11, 5205.19, 5206.11 and 5206.12, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(41) in Chapter 53,—

(i) in sub-heading Nos. 5306.11 and 5306.19, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(ii) in sub-heading Nos. 5307.11 and 5307.12, for the entry in column (4) occurring against each of them, the entry “8%” shall be substituted;

(iii) in sub-heading No. 5308.14, for the entry in column (4), the entry “18%” shall be substituted;

(iv) in sub-heading Nos. 5309.10, 5309.21, 5309.22, 5309.23, 5309.29, 5310.10, 5310.21, 5310.22, 5310.23 and 5310.29, for the entry in column (4) occurring against each of them, the entry “8%” shall be substituted;

(42) in Chapter 54,—

(i) in sub-heading Nos. 5401.10 and 5401.20, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(ii) in sub-heading Nos. 5402.20, 5402.32, 5402.42, 5402.43, 5402.52 and 5402.62, for the entry in column (4) occurring against each of them, the entry “30%” shall be substituted;

(iii) in sub-heading Nos. 5402.39, 5402.49, 5402.59, 5402.69, 5403.10, 5403.20, 5403.31, 5403.32, 5403.33, 5403.39, 5403.41, 5403.42, 5403.49, 5404.10, 5404.90 and 5405.00, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(43) in Chapter 55,—

(i) in sub-heading Nos. 5501.10, 5501.20, 5501.30, 5501.90, 5502.00, 5503.10, 5503.20, 5503.30, 5503.40, 5503.90, 5504.10 and 5504.90, for the entry in column (4) occurring against

each of them, the entry "18%" shall be substituted;

(ii) in sub-heading No. 5505.10, for the entry in column (4), the entry "Rs.10 per Kg. or 30% whichever is higher" shall be substituted;

(iii) in sub-heading No. 5505.20, for the entry in column (4), the entry "Rs.10 per Kg. or 18% whichever is higher" shall be substituted;

(iv) in sub-heading Nos. 5506.10, 5506.20, 5506.30, 5506.90, 5507.00, 5508.10, 5508.20, 5509.11, 5509.19, 5509.21, 5509.22, 5509.31, 5509.32, 5509.41, 5509.42, 5509.50, 5509.60, 5509.90, 5510.11, 5510.12 and 5510.90, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(44) in Chapter 56,—

(i) in sub-heading Nos. 5601.10, for the entry in column (4), the entry "13%" shall be substituted;

(ii) in sub-heading Nos. 5603.00 and 5605.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(iii) in sub-heading No. 5607.10, for the entry in column (4), the entry "8%" shall be substituted;

(45) in Chapter 57,—

(i) in sub-heading Nos. 5702.12 and 5703.20, for the entry in column (4) occurring against each of them, the entry "Nil" shall be substituted;

(ii) in sub-heading Nos. 5702.19 and 5703.90, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(46) in Chapter 58, in sub-heading Nos. 5803.00, 5805.11 and 5805.19, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(47) in Chapter 59,—

(i) in sub-heading Nos. 5901.10 and 5901.90, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(ii) in sub-heading Nos. 5902.10, 5902.20, 5902.90, 5903.10, 5903.20 and 5903.90, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(iii) in sub-heading Nos. 5904.10, 5904.91, 5904.92 and 5905.00, for the entry in column (4) occurring against each of them, the entry "25%" shall be substituted;

(iv) in sub-heading No. 5906.99, for the entry in column (4), the entry "18%" shall be substituted;

(v) in sub-heading Nos. 5907.11, 5907.12 and 5907.19, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(vi) in sub-heading No. 5907.90, for the entry in column (4), the entry "25%" shall be substituted;

(48) in Chapter 63, in sub-heading Nos. 6301.10, 6301.20, 6301.30, 6301.40, 6301.90, 6302.00, 6303.00, 6304.00, 6305.10, 6305.20, 6305.90, 6306.00 and 6307.90, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(49) in Chapter 64, in NOTE 1,—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) Disposal foot or shoe coverings of flimsy material (for example, paper, sheeting of plastics) without applied soles. These products are classified according to their constituent material;"

(ii) clauses (b) to (d) shall be renumbered as clauses (c) to (e) respectively and before clause (c) as so renumbered, the following clause shall be inserted, namely:—

"(b) Footwear of textile material, without an outer sole glued, sewn or otherwise affixed or applied to the upper (Section XI);"

(50) in Chapter 65, for the entry in column (4) occurring against all the sub-heading Nos., the entry "13%" shall be substituted;

(51) in Chapter 66, in sub-heading No. 6601.00, for the entry in column (4), the entry "8%" shall be substituted;

(52) in Chapter 67, for the entry in column (4) occurring against all the sub-heading Nos., the entry "13%" shall be substituted;

(53) in Chapter 68, for the entry in column (4) occurring against all the sub-heading Nos., the entry "18%" shall be substituted;

(54) in Chapter 69, in sub-heading No. 6906.10, for the entry in column (4), the entry "25%" shall be substituted;

(55) in Chapter 70,—

(i) in NOTE 2, for clause (c), the following clause shall be substituted, namely:—

"(c) the expression 'absorbent, reflecting or non-reflecting layer' means a microscopically thin coating of metal or of a chemical compound (for example, metal oxide) which absorbs, for example, infra-red light or improves the reflecting qualities of the glass while still allowing it to retain a degree of transparency or translucency; or which prevents light from being reflected on the surface of the glass.";

(ii) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 7009.00, 7011.10, 7012.10, 7013.10 and 7015.00), the entry "18%" shall be substituted;

(iii) in sub-heading No. 7009.00, for the entry in column (4), the entry "13%" shall be substituted;

(iv) in sub-heading No. 7015.00, for the entry in column (4), the entry "8%" shall be substituted;

(56) in Chapter 71, in NOTE 1, clauses (d) to (n) shall be renumbered as clauses (e) to (n) respectively and before clause (e) as so renumbered, the following clause shall be inserted, namely:—

"(d) Supported catalysts (heading No. 38.15);";

(57) in Section XV,—

(i) NOTES 3 to 7 shall be renumbered as NOTES 5 to 9 respectively and before NOTE 5 as so renumbered, the following NOTES shall be inserted, namely:—

"3. Throughout this Schedule, the expression "base metals" means : iron and steel, copper, nickel, aluminium, lead, zinc, tin, tungsten (wolfram), molybdenum, tantalum, magnesium, cobalt, bismuth, cadmium, titanium, zirconium, antimony, manganese, beryllium, chromium, germanium, vanadium, gallium, hafnium, indium, niobium (columbium), rhenium and thallium.

4. Throughout this Schedule, the term "cermets" means products containing a microscopic heterogeneous combination of a metallic component and a ceramic component. The term "cermets" includes sintered metal carbides (metal carbides sintered with a metal).";

(ii) in NOTE 6 as so renumbered and in clause (b) of NOTE 7 as so renumbered, for the word and figure "NOTE 3", the word and figure "NOTE 5" shall be substituted;

(58) in Chapter 72,—

(i) in NOTE 1, for clauses (l) and (m), the following clauses shall be substituted, namely:—

"(l) Bars and rods, hot-rolled, in irregularly wound coils.

Hot-rolled products in irregularly wound coils, which have a solid cross-section in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles or other convex polygons (including 'flattened circles' and 'modified rectangles', of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). These products may have indentations, ribs, grooves or other deformations produced during the rolling process (reinforcing bars and rods).";

(m) Other bars and rods

Products which do not conform to any of the definitions at (ij), (k) or (l) above or to the definition of wire, which have a uniform solid cross-section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles or other

convex polygons (including 'flattened circles' and 'modified rectangles', of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). These products may :

- have indentations, ribs, grooves or other deformations produced during rolling process (reinforcing bars and rods);
- be twisted after rolling.”;

(ii) in SUB-HEADING NOTE 1, for clause (d), the following clause shall be substituted, namely :—

“(d) Silico manganese steel

Alloy steels containing by weight :

- not more than 0.7% of carbon,
- 0.5% or more but not more than 1.9% of manganese, and
- 0.6% or more but not more than 2.3% of silicon, but no other element in a proportion that would give the steel the characteristics of another alloy steel.”;

(59) in Chapter 73,—

(i) after NOTE 2, the following NOTE shall be inserted, namely:—

“3. In relation to pipes and tubes of heading Nos. 73.04, 73.05 and 73.06, the process of drawing or redrawing shall amount to 'manufacture'.”;

(ii) in heading No. 73.05, for the entry in column (3), the following entry shall be substituted, namely:—

“OTHER TUBES AND PIPES (FOR EXAMPLE, WELDED, RIVETED OR SIMILARLY CLOSED), HAVING CIRCULAR CROSS-SECTIONS, THE EXTERNAL DIAMETER OF WHICH EXCEEDS 406.4 MM, OF IRON OR STEEL”;

(iii) in sub-heading No. 7323.10, for the entry in column (4), the entry “8%” shall be substituted;

(60) in Chapter 76, in sub-heading No. 7615.20, for the entry in column (4), the entry “8%” shall be substituted;

(61) in Chapter 82, in sub-heading No. 8215.00, for the entry in column (4), the entry “Nil” shall be substituted;

(62) in Chapter 83, for the entry in column (4) occurring against all the sub-heading Nos., the entry “18%” shall be substituted;

(63) in Section XVI,—

(i) in NOTE 1, in clause (n), for the words and figures “ of heading No. 96.03”, the brackets, words and figures “(heading No. 96.03)” shall be substituted;

(ii) in NOTE 2,—

(a) in clause (a), for the brackets, words and figures “(other than heading Nos. 84.85 and 85.48)” the brackets words and figures “(other than heading Nos. 84.09, 84.31, 84.48, 84.66, 84.73, 84.85, 85.03, 85.22, 85.29, 85.38 and 85.48)” shall be substituted;

(b) in clause (b), for the words “of that kind”, the words and figures “ of that kind or in heading No. 84.09, 84.31, 84.48, 84.66, 84.73, 85.03, 85.22, 85.29 or 85.38 as appropriate.” shall be substituted;

(c) for clause (c), the following clause shall be substituted, namely:—

“(c) All other parts are to be classified in heading No. 84.09, 84.31, 84.48, 84.66, 84.73, 85.03, 85.22, 85.29 or 85.38 as appropriate or, failing that, in heading No. 84.85 or 85.48.”;

(64) in Chapter 84,—

(i) in NOTE 1, for clause (b), the following clause shall be substituted, namely:—

“(b) Machinery or appliances (for example, pumps) of ceramic material and ceramic parts of machinery or appliances of any material (Chapter 69)”;

(ii) in NOTE 2, the following shall be inserted at the end, namely:—

“Heading No. 84.24 does not cover :

Ink-jet printing machines (heading No. 84.43 or 84.71).”;

(iii) for NOTE 4, the following NOTE shall be substituted, namely:—

“4. Heading No. 84.57 applies only to machine-tools for working metal, other than lathes (including turning centres), which can carry out different types of machining operations either:

(a) by automatic tool change from a magazine or the like in conformity with a machining programme (machining centres),

(b) by the automatic use, simultaneously or sequentially, of different unit heads working on a fixed position workpiece (unit construction machines, single station), or

(c) by the automatic transfer of the workpiece to different unit heads (multi-station transfer machines).”;

(iv) in NOTE 5, for clause (b) and the portion beginning with the words “Heading No.” and ending with the words “in residual headings”, the following clauses shall be substituted, namely:—

“(b) Automatic data processing machines may be in the form of systems consisting of a variable number of separate units. Subject to paragraph (e) below, a unit is to be regarded as being a part of a complete system if it meets all of the following conditions:

(i) It is of a kind solely or principally used in an automatic data processing system;

(ii) It is connectable to the central processing unit either directly or through one or more other units; and

(iii) It is able to accept or deliver data in a form (codes or signals) which can be used by the system.

(c) Separately presented units of an automatic data processing machine are to be classified in heading No. 84.71.

(d) Printers, keyboards, X-Y co-ordinate input devices and disk storage units which satisfy the conditions of paragraphs (b)(ii) and (b)(iii) above, are in all cases to be classified as units of heading No. 84.71.

(e) Machines performing a specific function other than data processing and incorporating or working in conjunction with an automatic data processing machine are to be classified in the headings appropriate to their respective functions or, failing that, in residual headings.”;

(v) after NOTE 7, the following NOTE shall be inserted, namely:—

“8. For the purposes of heading No. 84.70, the term “pocket-size” applies only to machines the dimensions of which do not exceed 170 mm. x 100 mm. x 45 mm.”;

(vi) for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading Nos. 8401.10, 8401.90, 8413.11, 8413.12, 8413.13, 8413.14, 8413.20, 8413.91, 8414.10, 8414.20, 8414.30, 8414.91, 8414.92, 8415.00, 8418.10, 8418.90, 8419.10, 8419.80, 8419.91, 8419.99, 8422.10, 8422.80, 8422.90, 8424.10, 8424.91, 8427.00, 8432.00, 8433.00, 8434.10, 8434.90, 8436.00, 8437.00, 8442.10, 8442.90, 8443.10, 8443.90, 8450.10, 8450.90, 8452.00, 8458.00, 8459.00, 8460.00, 8461.00, 8463.00, 8467.10, 8467.90, 8469.10, 8469.90, 8470.00, 8472.00, 8473.00, 8476.11, 8476.19, 8476.91, 8476.99, 8479.10, 8481.10, 8481.20, 8481.91, 8481.92, 8483.00 and 8484.00), the entry “13%” shall be substituted;

(vii) in sub-heading Nos. 8414.30, 8414.92 and 8415.00, for the entry in column (4) occurring against each of them, the entry “30%” shall be substituted;

(viii) in sub-heading No. 8418.10, for the entry in column (4), the entry “18%” shall be substituted;

(ix) in sub-heading No. 8418.90, for the entry in column (4), the entry “30%” shall be substituted;

(x) in sub-heading Nos. 8434.10 and 8434.90, for the entry in column (4) occurring against each of them, the entry “Nil” shall be substituted;

(xi) in sub-heading Nos. 8450.10 and 8450.90, for the entry in column (4) occurring against each of them, the entry “18%” shall be substituted;

(xii) in sub-heading Nos. 8472.00, 8476.11, and 8476.19, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(xiii) in sub-heading No. 8476.91, for the entry in column (4), the entry "30%" shall be substituted;

(xiv) in sub-heading No. 8476.99, for the entry in column (4), the entry "18%" shall be substituted;

(xv) in sub-heading Nos. 8481.10 and 8481.91, for the entry in column (4) occurring against each of them, the entry "30%" shall be substituted;

(65) in Chapter 85,—

(i) in Note 4, for the portion beginning with the words "The term" and ending with the words "connecting elements", the following shall be substituted, namely:—

'The expression "printed circuits" does not cover circuits combined with elements other than those obtained during the printing process, nor does it cover individual, discreet resistors, capacitors or inductances. Printed circuits may, however, be fitted with non-printed connecting elements.'

(ii) in sub-heading Nos. 8501.00, 8503.00 and 8504.00, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(iii) in sub-heading Nos. 8505.00, 8506.00 and 8507.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(iv) in sub-heading No. 8508.00, for the entry in column (4), the entry "13%" shall be substituted;

(v) in sub-heading Nos. 8509.00, 8511.00, 8512.00 and 8513.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(vi) in sub-heading No. 8514.00, for the entry in column (4), the entry "13%" shall be substituted;

(vii) in sub-heading No. 8516.00, for the entry in column (4), the entry "18%" shall be substituted;

(viii) in sub-heading Nos. 8518.00, 8519.00, 8520.00, 8521.00 and 8523.11, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(ix) in sub-heading No. 8523.12, for the entry in column (4), the entry "8%" shall be substituted;

(x) in sub-heading Nos. 8523.13, 8523.14, 8523.19, 8523.20 and 8523.90, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(xi) in sub-heading Nos. 8525.00 and 8526.00, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(xii) in sub-heading No. 8529.00, for the entry in column (4), the entry "18%" shall be substituted;

(xiii) in sub-heading Nos. 8530.00 and 8531.00, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(xiv) in sub-heading Nos. 8532.00, 8533.00 and 8534.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(xv) in sub-heading No. 8535.00, for the entry in column (4), the entry "18%" shall be substituted;

(xvi) in sub-heading No. 8536.10, for the entry in column (4), the entry "30%" shall be substituted;

(xvii) in sub-heading Nos. 8536.90 and 8538.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(xviii) in sub-heading No. 8540.11, for the entry in column (4), the entry "18%" shall be substituted;

(xix) in sub-heading No. 8540.12, for the entry in column (4), the entry "13%" shall be substituted;

(xx) in sub-heading Nos. 8540.90, 8541.00 and 8542.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(xxi) in sub-heading No. 8543.10, for the entry in column (4), the entry "13%" shall be substituted;

(xxii) in sub-heading Nos. 8543.90, 8544.10, 8544.90, 8545.00, 8546.00, 8547.00 and 8548.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(66) in Section XVII, for NOTE 4, the following NOTE shall be substituted, namely:—

"4. For the purposes of this Section :

(a) Vehicles specially constructed to travel on both road and rail are classified under the appropriate heading of Chapter 87;

(b) Amphibious motor vehicles are classified under the appropriate heading of Chapter 87;

(c) Aircraft specially constructed so that they can also be used as road vehicles are classified under the appropriate heading of Chapter 88." ;

(67) in Chapter 86, in sub-heading No. 8607.00, for the entry in column (4), the entry "18%" shall be substituted;

(68) in Chapter 87,—

(i) in NOTE 2, the following shall be inserted at the end, namely:—

"Machines and working tools designed for fitting to tractors of heading No. 87.01 as interchangeable equipment remain classified in their respective headings even if presented with the tractor, and whether or not mounted on it.";

(ii) in sub-heading No. 8701.90, for the entry in column (4), the entry "13%" shall be substituted;

(iii) in sub-heading No. 8702.10, for the entry in column (4), the entry "25%" shall be substituted;

(iv) in sub-heading No. 8707.00, for the entry in column (4), the entry "18%" shall be substituted;

(69) in Chapter 89,—

(i) in sub-heading Nos. 8901.00 and 8902.00, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(ii) in sub-heading No. 8903.00, for the entry in column (4), the entry "25%" shall be substituted;

(iii) in sub-heading Nos. 8904.00, 8905.00 and 8906.00, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(iv) in sub-heading No. 8907.00, for the entry in column (4), the entry "25%" shall be substituted;

(70) in Chapter 90,—

(i) in NOTE 1, in clause (h), for the words, brackets and figures " sound heads (heading No. 85.22); ", the words, brackets and figures "sound heads (heading No. 85.22); still image video camera and other video camera recorders (heading No. 85.25);" shall be substituted;

(ii) in sub-heading Nos. 9001.90, 9002.00, 9003.90, 9005.00, 9006.00, 9007.00, 9008.00 and 9009.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(iii) in sub-heading Nos. 9011.00, 9012.00, 9013.00, 9014.00, 9015.00, 9016.10, 9016.90 and 9017.90, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(iv) in sub-heading Nos. 9023.00, 9024.00, 9025.00, 9026.00, 9027.00, 9028.00, 9029.00, 9030.00 and 9031.00, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(v) in sub-heading No. 9032.11, for the entry in column (4), the entry "30%" shall be substituted;

(vi) in sub-heading Nos. 9032.12 and 9032.80, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(vii) in sub-heading No. 9032.91, for the entry in column (4), the entry "30%" shall be substituted;

(viii) in sub-heading Nos. 9032.99 and 9033.00, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(71) in Chapter 91,—

(i) in sub-heading Nos. 9101.90 and 9102.90, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(ii) in sub-heading Nos. 9103.00, 9104.00, 9105.00, 9106.00, 9107.00, 9108.00, 9109.00, 9110.00, 9111.00, 9112.00, 9113.00, and 9114.00, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(72) in Chapter 92,—

(i) for the entry in column (4) occurring against all the sub-heading Nos., the entry "8%" shall be substituted;

(ii) in heading No. 92.06, in column (3), for the word "MARACCAS", the word "MARACAS" shall be substituted;

(73) in Chapter 93, for the entry in column (4) occurring against all the sub-heading Nos. (except sub-heading No. 9301.00), the entry "18%" shall be substituted;

(74) in Chapter 94,—

(i) in sub-heading Nos. 9401.00 and 9403.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(ii) in sub-heading No. 9406.00, for the entry in column (4), the entry "8%" shall be substituted;

(75) in Chapter 95,—

(i) in NOTE 1, for clause (I), the following clause shall be substituted, namely:—

"(I) Pumps for liquids, (heading No. 84.13), filtering or purifying machinery and apparatus for liquids or gases (heading No. 84.21), electric motors (heading No. 85.01), electric transformers (heading No. 85.04) or radio remote control apparatus (heading No. 85.26);";

(ii) in sub-heading Nos. 9505.00, 9506.00, 9507.00 and 9508.00, for the entry in column (4) occurring against each of them, the entry "13%" shall be substituted;

(76) in Chapter 96,—

(i) in sub-heading Nos. 9601.00, 9602.00 and 9604.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(ii) in sub-heading No. 9605.10, for the entry in column (4), the entry "30%" shall be substituted;

(iii) in sub-heading Nos. 9605.90, 9606.90, 9608.00, 9611.00, 9612.00, 9613.10, 9613.90, 9614.00 and 9616.00, for the entry in column (4) occurring against each of them, the entry "18%" shall be substituted;

(iv) in sub-heading No. 9617.00, for the entry in column (4), the entry "15%" shall be substituted;

(v) in sub-heading No. 9618.00, for the entry in column (4), the entry "18%" shall be substituted.

PART II

Heading	Sub-heading No.	Description of Goods	Rate of duty
(1)	(2)	(3)	(4)

In the Schedule to the Central Excise Tariff Act,—

(1) in Chapter 13, for heading No. 13.01 and entries relating thereto, the following shall be substituted, namely:—

"13.01		LAC; GUMS, RESINS AND OTHER VEGETABLE SAPS AND EXTRACTS	
	1301.10	- In or in relation to the manufacture of which any process is ordinarily carried on with the aid of power	8%
	1301.90	- Other	Nil";

(2) in Chapter 15, for heading No. 15.06, subheading Nos. 1506.11, 1506.12 and 1506.20 and the entries relating thereto, the following shall be substituted, namely:—

"15.06	1506.00	GLYCEROL, CRUDE; GLYCEROL WATERS AND GLYCEROL LYES	18%";
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(3) in Chapter 19,—

(i) for heading No. 19.01 and the entries relating thereto, the following shall be substituted, namely:—

"19.01		MALT EXTRACT; FOOD PREPARATIONS OF FLOUR, MEAL, STARCH OR MALT EXTRACT, NOT CONTAINING COCOA OR CONTAINING LESS THAN 40% BY WEIGHT OF COCOA CALCULATED ON A TOTALLY DEFATTED BASIS, NOT ELSEWHERE SPECIFIED OR INCLUDED; FOOD PREPARATIONS OF GOODS OF HEADING NOS. 04.01 TO 04.04, NOT CONTAINING COCOA OR CONTAINING LESS THAN 5% BY WEIGHT OF COCOA CALCULATED ON A TOTALLY DEFATTED BASIS, NOT ELSEWHERE SPECIFIED OR INCLUDED	
		- Put up in unit containers :	
	1901.11	-- For infant use	Nil
	1901.19	-- Other	18%
		- Other :	
	1901.91	-- Malt extract	18%
	1901.92	-- Food preparations containing malt or malt extract or cocoa powder in any proportion	18%
	1901.99	-- Other	Nil";

(ii) for heading No. 19.02 and the entries relating thereto, the following shall be substituted, namely:—

"19.02		PASTA, WHETHER OR NOT COOKED OR STUFFED (WITH MEAT OR OTHER SUBSTANCES) OR OTHERWISE PREPARED, SUCH AS SPAGHETTI, MACARONI, NOODLES, LASAGNE, GNOCCHI, RAVIOLI, CANNELLONI ; COUSCOUS, WHETHER OR NOT PREPARED	
		- Put up in unit containers :	
	1902.11	-- Seviyan (Vermicelli)	Nil
	1902.19	-- Other	13%
	1902.90	- Other	Nil";

(iii) for heading No. 19.04 and the entries relating thereto, the following shall be substituted, namely:—

"19.04		PREPARED FOODS OBTAINED BY THE SWELLING OR ROASTING OF CEREALS OR CEREAL PRODUCTS (FOR EXAMPLE, CORN FLAKES); CEREALS [OTHER THAN MAIZE (CORN)], IN GRAIN FORM OR IN THE FORM OF FLAKES OR OTHER WORKED GRAINS (EXCEPT FLOUR AND MEAL), PRECOOKED, OR OTHERWISE PREPARED,	
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(1)	(2)	(3)	(4)
-----	-----	-----	-----

NOT ELSEWHERE SPECIFIED OR INCLUDED

1904.10	- Put up in unit containers	13%
1904.90	- Other	Nil";

(4) in Chapter 20, for heading No. 20.01 and the entries relating thereto, the following shall be substituted, namely:—

"20.01	PREPARATIONS OF VEGETABLES, FRUIT, NUTS OR OTHER PARTS OF PLANTS, INCLUDING JAMS, FRUIT JELLIES, MARMALADES, FRUIT OR NUT PUREE AND FRUIT OR NUT PASTES, FRUIT JUICES AND VEGETABLE JUICES, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER
--------	--

2001.10	- Put up in unit containers and bearing a brand name	8%
2001.90	- Other	Nil";

(5) in Chapter 21,—

(i) in heading No. 21.02, for sub-heading No. 2102.10 and the entries relating thereto, the following sub-heading and the entries relating thereto shall be substituted, namely:—

"2102.10	- Put up in unit containers	13%";
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(ii) for heading No. 21.03 and entries relating thereto, the following shall be substituted, namely:—

"21.03	SAUCES, KETCHUP AND THE LIKE AND PREPARATIONS THEREFOR; MIXED CONDIMENTS AND MIXED SEASONINGS; MUSTARD FLOUR AND MEAL AND PREPARED MUSTARD
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2103.10	- Put up in unit containers and bearing a brand name	8%
2103.90	- Other	Nil";

(iii) for heading No. 21.04 and entries relating thereto, the following shall be substituted, namely:—

"21.04	SOUPS AND BROTHS AND PREPARATIONS THEREFOR; HOMOGENISED COMPOSITE FOOD PREPARATIONS
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2104.10	- Put up in unit containers and bearing a brand name	8%
2104.90	- Other	Nil";

(6) in Chapter 22, for heading No. 22.04, and the entries relating thereto, the following shall be substituted, namely:—

"22.04	ETHYL ALCOHOL OF ANY STRENGTH WHETHER DENATURED OR NOT, BUT NOT INCLUDING ALCOHOLIC LIQUOR FOR HUMAN CONSUMPTION
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2204.10	- Denatured ethyl alcohol of any strength	18%
2204.90	- Other	Nil";

(7) in Chapter 28,—

(i) in heading No. 28.04, for sub-heading Nos. 2804.19 and 2804.90 and the entries relating thereto, the following sub-headings and the entries shall be substituted, namely:—

"2804.12	-- For use in the manufacture of heavy water	Nil
2804.19	-- Other	18%
-	-- Hydrogen:	
2804.21	-- Consumed within the factory of production	Nil
2804.29	-- Other	18%
-	Nitrogen:	
2804.31	-- For use in the manufacture of heavy water	Nil
2804.32	-- In liquid form, for use in processing and storage of semen for artificial insemination of cattle	Nil
2804.33	-- Consumed within the factory of production	Nil

(1)	(2)	(3)	(4)
2804.39	--	Other	18%
2804.40	-	Silicon in all forms	13%
2804.90	-	Other	18%";

(ii) for heading No. 28.05 and the entries relating thereto, the following shall be substituted, namely:—

"28.05		ALKALI OR ALKALINE-EARTH METALS; RARE-EARTH METALS, SCANDIUM AND YTTRIUM, WHETHER OR NOT INTERMIXED OR INTERALLOYED; MERCURY	
	-	Potassium metal :	
2805.11	--	For use in a heavy water plant	Nil
2805.12	--	Other	18%
2805.90	-	Other	18%";

(iii) for heading No. 28.11 and the entries relating thereto, the following shall be substituted, namely:—

"28.11		OTHER INORGANIC ACIDS AND OTHER INORGANIC OXYGEN COMPOUNDS OF NON-METALS	
2811.10	-	Carbon dioxide	18%
	-	Sulphur dioxide and sulphur trioxide:	
2811.21	--	consumed in the manufacture of sulphuric acid, within the factory of production	Nil
2811.29	--	Other	18%
2811.90	-	Other	18%";

(iv) for heading No. 28.14 and the entries relating thereto, the following shall be substituted, namely:—

"28.14		AMMONIA, ANHYDROUS OR IN AQUEOUS SOLUTION	
2814.10	-	For use in the manufacture of heavy water	Nil
2814.90	-	Other	18%";

(v) for heading No. 28.44 and the entries relating thereto, the following shall be substituted, namely:—

"28.44		RADIOACTIVE CHEMICAL ELEMENTS AND RADIOACTIVE ISOTOPES (INCLUDING THE FISSIONABLE OR FERTILE CHEMICAL ELEMENTS AND ISOTOPES) AND THEIR COMPOUNDS; MIXTURES AND RESIDUES CONTAINING THESE PRODUCTS	
2844.10	-	Nuclear fuel	Nil
2844.20	-	Thorium Hydroxide	Nil
2844.90	-	Other	18%";

(vi) for heading No. 28.45 and the entries relating thereto, the following shall be substituted, namely:—

"28.45		ISOTOPES OTHER THAN THOSE OF HEADING NO.28.44; COMPOUNDS, INORGANIC OR ORGANIC, OF SUCH ISOTOPES, WHETHER OR NOT CHEMICALLY DEFINED	
2845.10	-	Nuclear fuel	Nil
2845.20	-	Heavy water (Deuterium Oxide)	Nil
2845.90	-	Other	18%";

(vii) for heading No. 28.51 and the entries relating thereto, the following shall be substituted, namely:—

"28.51		OTHER INORGANIC COMPOUNDS (INCLUDING DISTILLED OR CONDUCTIVITY WATER AND WATER OF SIMILAR PURITY); LIQUID AIR (WHETHER OR NOT RARE GASES HAVE BEEN REMOVED); COMPRESSED AIR; AMALGAMS, OTHER THAN AMALGAMS OF PRECIOUS METALS	
	--	Distilled or conductivity water and water of similar purity	
2851.11	--	Used within the factory of production	Nil

(1)	(2)	(3)	(4)
	2851.19	-- Other	18%
		-- Liquid air (whether or not any fraction has been removed)	
	2851.21	-- Used within the factory of production	Nil
	2851.29	-- Other	18%
	2851.30	-- Compressed air	Nil
	2851.90	-- Other	18%";

(8) in Chapter 29,—

(i) for heading No. 29.33 and the entries relating thereto, the following shall be substituted, namely:—

"29.33		HETEROCYCLIC COMPOUNDS WITH NITROGEN HETERO-ATOM(S) ONLY	
	2933.10	- Caprolactum	18%
	2933.90	- Other	18%";

(ii) for heading No. 29.34 and the entries relating thereto, the following shall be substituted, namely:—

"29.34	2934.00	NUCLEIC ACIDS AND THEIR SALTS; OTHER HETEROCYCLIC COMPOUNDS	18%";
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(9) in Chapter 30,—

(i) for heading No. 30.04 and the entries relating thereto, the following shall be substituted, namely:—

" 30.04		WADDING, GAUZE, BANDAGES AND SIMILAR ARTICLES (FOR EXAMPLE, DRESSINGS, ADHESIVE PLASTERS, POULTICES) IMPREGNATED OR COATED WITH PHARMACEUTICAL SUBSTANCES OR PUT UP IN FORMS OR PACKINGS FOR MEDICAL, SURGICAL, DENTAL OR VETERINARY PURPOSES	
	3004.10	- Not bearing a brand name	Nil
	3004.90	- Other	15%";

(ii) in heading No. 30.05, after sub-heading No. 3005.20 and the entries relating thereto, the following sub-heading and entries shall be inserted, namely:—

"3005.30	-	Oral rehydration salts	Nil";
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(10) in Chapter 32, for heading No. 32.15 and the entries relating thereto, the following shall be substituted, namely:—

"32.15		PRINTING INK, WRITING OR DRAWING INK AND OTHER INKS, WHETHER OR NOT CONCENTRATED OR SOLID	
	3215.10	- Writing ink	Nil
	3215.90	- Other	18%";

(11) in Chapter 33,—

(i) in heading No. 33.07, after sub-heading No. 3307.49 and the entries relating thereto, the following sub-headings and the entries relating thereto shall be inserted, namely:—

"3307.50	-	Sterile contact lens care solution	25%
3307.60	-	Kumkum (including sticker kumkum), kajal, sindur, alta or mahavar	Nil";

(12) in Chapter 34,—

(i) in heading No. 34.01, after sub-heading No. 3401.12 and the entries relating thereto, the following sub-heading and the entries shall be inserted, namely:—

"3401.13	--	Laundry soaps produced by a factory owned by the Khadi and Village Industries Commission or any organisation approved by the said commission for the purpose of manufacture of such soaps	Nil";
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(1)	(2)	(3)	(4)
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(13) in Chapter 38,—

(i) for heading No. 38.05 and the entries relating thereto, the following shall be substituted, namely:—

"38.05		GUM, WOOD OR SULPHATE TURPENTINE AND OTHER TURPENIC OILS PRODUCED BY THE DISTILLATION OR OTHER TREATMENT OF CONIFEROUS WOODS; CRUDE DIPENTENE; SULPHITE TURPENTINE AND OTHER CRUDE PARACYMENE; PINE OIL CONTAINING ALPHATERPINEOL AS THE MAIN CONSTITUENT	
		- Turpentine oil:	
	3805.11	-- In or in relation to the manufacture of which any process is ordinarily carried on with the aid of power	18%
	3805.19	-- other	Nil
	3805.90	- Other	18%";

(ii) for heading No. 38.06 and the entries relating thereto, the following shall be substituted, namely:—

"38.06		ROSIN AND RESIN ACIDS, AND DERIVATIVES THEREOF; ROSIN SPIRIT AND ROSIN OILS; RUN GUMS	
		- Rosin	
	3806.11	-- In or in relation to the manufacture of which any process is ordinarily carried on with the aid of power	18%
	3806.19	-- Other	Nil
	3806.20	- Ester gums	18%
	3806.30	- Run gums	18%
	3806.90	- Other	18%";

(iii) for heading No. 38.18 and the entries relating thereto, the following shall be substituted, namely:—

" 38.18		CHEMICAL ELEMENTS DOPED FOR USE IN ELECTRONICS, IN THE FORM OF DISCS, WAFERS OR SIMILAR FORMS; CHEMICAL COMPOUNDS DOPED FOR USE IN ELECTRONICS	
		- Chemical elements doped for use in electronics, in the form of discs, wafers or similar forms:	
	3818.11	-- Of silicon	13%
	3818.19	-- Of other chemical elements	18%
	3818.90	- Other	18%";

(iv) for heading No. 38.22 and the entries relating thereto, the following shall be substituted, namely:—

"38.22	3822.00	DIAGNOSTIC OR LABORATORY REAGENTS ON A BACKING AND PREPARED DIAGNOSTIC OR LABORATORY REAGENTS WHETHER OR NOT ON A BACKING, OTHER THAN THOSE OF CHAPTER 30	18%";
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(v) for heading No. 38.23 and the entries relating thereto, the following headings, sub-headings and entries shall be substituted, namely:—

"38.23	3823.00	INDUSTRIAL MONOCARBOXYLIC FATTY ACIDS; ACID OILS FROM REFINING; INDUSTRIAL FATTY ALCOHOLS	8%
38.24		PREPARED BINDERS FOR FOUNDRY MOULDS OR CORES; CHEMICAL PRODUCTS AND PREPARATIONS OF THE CHEMICAL OR ALLIED INDUSTRIES (INCLUDING THOSE CONSISTING OF MIXTURES OF NATURAL PRODUCTS), NOT ELSEWHERE SPECIFIED OR INCLUDED; RESIDUAL PRODUCTS OF THE CHEMICAL OR ALLIED INDUSTRIES, NOT ELSEWHERE SPECIFIED OR INCLUDED	
	3824.10	- Phosphogypsum	13%
	3824.20	- Ready mix concrete	13%
	3824.90	- Other	18%";

(1)	(2)	(3)	(4)
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(14) in Chapter 39,—

(i) for heading No. 39.23 and the entries relating thereto, the following shall be substituted, namely:—

"39.23		ARTICLES FOR THE CONVEYANCE OR PACKING OF GOODS, OF PLASTICS; STOPPERS, LIDS, CAPS AND OTHER CLOSURES, OF PLASTICS	
	3923.10	- Insulated ware	15%
	3923.90	- Other	25%";

(ii) for heading No. 39.24 and the entries relating thereto, the following shall be substituted, namely:—

"39.24		TABLEWARE, KITCHENWARE, OTHER HOUSEHOLD ARTICLES AND TOILET ARTICLES, OF PLASTICS	
	3924.10	- Insulated ware	15%
	3924.90	- Other	25%";

(15) in Chapter 40,—

(i) for heading No. 40.05 and the entries relating thereto, the following shall be substituted, namely:—

"40.05		COMPOUNDED RUBBER, UNVULCANISED, IN PRIMARY FORMS OR IN PLATES, SHEETS OR STRIP, OTHER THAN THE FORMS AND ARTICLES OF UNVULCANISED RUBBER DESCRIBED IN HEADING NO. 40.06	
	4005.10	- Plates, sheets or strip, whether or not combined with any textile material, in relation to the manufacture of which no credit of the duty paid on the inputs used has been availed under Rule 57 A of the Central Excise Rules, 1944	Nil
	4005.20	- Used within the factory of production for the manufacture of excisable goods falling within this Schedule	Nil
	4005.90	- Other	18%";

(ii) for heading No. 40.08 and the entries relating thereto, the following shall be substituted, namely:—

"40.08		PLATES, BLOCKS, SHEETS, STRIP, RODS, AND PROFILE SHAPES, OF VULCANISED RUBBER OTHER THAN HARD RUBBER	
		- Of cellular rubber:	
	4008.11	- - Plates, blocks, sheets and strip of micro-cellular rubber but not of latex foam sponge, used in the manufacture of soles, heels or soles and heels combined, for footwear	Nil
	4008.19	- - Other	25%
		- Of non-cellular rubber:	
	4008.21	- - Plates, blocks, sheets and strip, used in the manufacture of soles, heels or soles and heels combined, for footwear	Nil
	4008.22	- - Plates, sheets and strip, for resoling or repairing or retreading rubber tyres	25%
	4008.29	- - Other	18%";

(16) in Chapter 44,—

(i) for heading No. 44.04, and the entries relating thereto, the following shall be substituted, namely:—

"44.04		VENEER SHEETS AND SHEETS FOR PLYWOOD (WHETHER OR NOT SLICED) AND OTHER WOOD SAWN LENGTHWISE, SLICED OR PEELED, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED, OF A THICKNESS NOT EXCEEDING 6 MM.	
	4404.10	- Veneer sheets, for match boxes and match splints	Nil
	4404.20	- In or in relation to the manufacture of which no process is ordinarily carried on with the aid of power	Nil
	4404.30	- Used within the factory of production for the manufacture of goods falling under sub-heading No. 4410.19 or 4410.90	Nil
	4404.90	- Other	18%";

(1)	(2)	(3)	(4)
(ii) for heading No. 44.05 and the entries relating thereto, the following shall be substituted, namely:—			
"44.05	WOOD (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, REBATED, CHAMFERED, V-JOINTED, BEADED, MOULDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED		
4405.10	- In or in relation to the manufacture of which no process is ordinarily carried on with the aid of power		Nil
4405.20	- Used within the factory of production for the manufacture of goods falling under sub-heading No. 4410.19 or 4410.90		Nil
4405.90	- Other		18%";
(17) in Chapter 47, for heading No. 47.02 and the entries relating thereto, the following shall be substituted, namely:—			
"47.02	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD		
4702.10	- Arising from goods of sub-heading No. 4802.10 in the course of printing of educational textbooks		Nil
4702.90	- Other		18%";
(18) in Chapter 48,—			
(i) for heading No. 48.01 and the entries relating thereto, the following shall be substituted, namely:—			
"48.01	4801.00	NEWSPRINT, IN ROLLS OR SHEETS	Nil";
(ii) for heading No. 48.02 and the entries relating thereto, the following shall be substituted, namely:—			
"48.02	UNCOATED PAPER AND PAPERBOARD OF A KIND USED FOR WRITING, PRINTING OR OTHER GRAPHIC PURPOSES, AND PUNCH CARD STOCK AND PUNCH TAPE PAPER, IN ROLLS OR SHEETS, OTHER THAN PAPER OF HEADING NO. 48.01 OR 48.03; HAND-MADE PAPER AND PAPERBOARD		
4802.10	- Writing or printing paper for printing of educational textbooks		Nil
4802.20	- Paper or paperboard, in the manufacture of which,— (a) the principal process of lifting the pulp is done by hand; and (b) if power driven sheet forming equipment is used, the Cylinder Mould Vat does not exceed 40 inches		Nil
4802.30	- Maplitho paper supplied to a braille press against an indent placed by the National Institute for Visually Handicapped, Dehradun		Nil
4802.90	- Other		18%";
(iii) for heading No. 48.04 and the entries relating thereto, the following shall be substituted, namely:—			
"48.04	UNCOATED KRAFT PAPER AND PAPERBOARD, IN ROLLS OR SHEETS, OTHER THAN THAT OF HEADING NO.48.02 OR 48.03		
4804.10	- Kraft paper supplied to a braille press against an indent placed by the National Institute for Visually Handicapped, Dehradun		Nil
4804.20	- Used in the manufacture of cartons for packing of horticultural produce		8%
4804.90	- Other		18%";
(iv) for heading No. 48.05 and the entries relating thereto, the following shall be substituted, namely:—			
"48.05	4805.00	OTHER UNCOATED PAPER AND PAPERBOARD, IN ROLLS OR SHEETS, NOT FURTHER WORKED OR PROCESSED THAN AS SPECIFIED IN NOTE 2 TO THIS CHAPTER	18%";

(1)	(2)	(3)	(4)
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(v) for heading No. 48.08 and the entries relating thereto, the following shall be substituted, namely:—

"48.08	PAPER AND PAPERBOARD, CORRUGATED (WITH OR WITHOUT GLUED FLAT SURFACE SHEETS), CREPED, CRINKLED, EMBOSSED OR PERFORATED, IN ROLLS OR SHEETS, OTHER THAN PAPER OF THE KIND DESCRIBED IN HEADING NO. 48.03		
4808.10	- Corrugated paper and paperboard, whether or not perforated		18%
4808.90	- Other		18%";

(vi) for heading No. 48.11 and the entries relating thereto, the following shall be substituted, namely:—

"48.11	PAPER, PAPERBOARD, CELLULOSE WADDING AND WEBS OF CELLULOSE FIBRES, COATED, IMPREGNATED, COVERED, SURFACE-COLOURED, SURFACE-DECORATED OR PRINTED, IN ROLLS OR SHEETS, OTHER THAN GOODS OF THE KIND DESCRIBED IN HEADING NO.48.03, 48.09 OR 48.10		
4811.10	- Tarred, bituminised or asphalted paper and paperboard		18%
4811.20	- Gummed or adhesive paper and paperboard		18%
	- Paper and paperboard coated, impregnated or covered with plastic (excluding adhesives):		
4811.31	- Products consisting of sheets of paper or paperboard, impregnated, coated or covered with plastics (including thermoset resins or mixtures thereof or chemical formulations containing melamine, phenol, urea formaldehyde with or without curing agents or catalysts), compressed together in one or more operations; Products known commercially as decorative laminates		25%
4811.39	- Other		18%
4811.40	- Paper and paperboard, coated, impregnated or covered with wax, paraffin wax, stearin, oil or glycerol		18%
4811.90	- Other		18%";

(vii) for heading No. 48.18 and the entries relating thereto, the following shall be substituted, namely:—

"48.18	TOILET PAPER AND SIMILAR PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES, OF A KIND USED FOR HOUSEHOLD OR SANITARY PURPOSES, IN ROLLS OF A WIDTH NOT EXCEEDING 36 CENTIMETRES, OR CUT TO SIZE OR SHAPE; HANDKERCHIEFS, CLEANSING TISSUES, TOWELS, TABLE CLOTHS, SERVIETTES, NAPKINS FOR BABIES, TAMPONS, BED SHEETS AND SIMILAR HOUSEHOLD, SANITARY OR HOSPITAL ARTICLES, ARTICLES OF APPAREL AND CLOTHING ACCESSORIES, OF PAPER PULP, PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES		
4818.10	- Sanitary towels and tampons, napkins and napkin liners for babies and similar sanitary articles		13%
4818.90	- Other		18%";

(viii) for heading No. 48.23 and the entries relating thereto, the following shall be substituted, namely:—

"48.23	OTHER PAPER, PAPERBOARD, CELLULOSE WADDING AND WEBS OF CELLULOSE FIBRES, CUT TO SIZE OR SHAPE; OTHER ARTICLES OF PAPER PULP, PAPER, PAPERBOARD, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES		
4823.10	- Braille paper		Nil
4823.20	- Paper pulp moulded trays		Nil
4823.30	- Cellulose insole board or sheet		8%
4823.40	- Products consisting of sheets of paper or paperboard, impregnated, coated or covered with plastics (including thermoset resins or mixtures thereof or chemical formulations		25%

(1)	(2)	(3)	(4)
		containing melamine, phenol or urea formaldehyde with or without curing agents or catalysts), compressed together in one or more operations; Products known commercially as decorative laminates	
4823.90	-	Other	18%";

(19) in Chapter 52, for heading No. 52.04 and the entries relating thereto, the following shall be substituted, namely:—

"52.04		COTTON SEWING THREAD	
5204.10	-	Cotton sewing thread not containing any synthetic staple fibre	5%
5204.90	-	Other	18%";

(20) in Chapter 64,—

(i) after sub-heading No. 6401.11 and the entries relating thereto, the following sub-headings and entries shall be inserted, namely:—

"6401.12	- -	Of value not exceeding Rs.75 per pair	Nil
6401.13	- -	Chappals (sole without upper, to be attached to the foot by thongs passing over the in-step but not even round the ankle) commercially known as hawai chappals, of materials other than leather	Nil";

(ii) after sub-heading No. 6401.91 and the entries relating thereto, the following sub-heading and the entries shall be inserted, namely:—

"6401.92	- -	Of the hawai chappals of sub-heading No.6401.13	Nil";
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(21) in Chapter 68, for heading No. 68.07 and the entries relating thereto, the following shall be substituted, namely:—

"68.07		GOODS, IN WHICH MORE THAN 25% BY WEIGHT OF RED MUD, PRESS MUD OR BLAST FURNACE SLAG OR ONE OR MORE OF THESE MATERIALS, HAVE BEEN USED; ALL OTHER ARTICLES OF STONE, PLASTER, CEMENT, ASBESTOS, MICA OR OF SIMILAR MATERIALS, NOT ELSEWHERE SPECIFIED OR INCLUDED	
6807.10	-	Goods, in which more than 25% by weight of red mud, press mud or blast furnace slag or one or more of these materials, have been used	8%
6807.20	-	Blocks, slabs, concrete beams and stairs of a kind used in pre-fabricated buildings of heading No. 94.06	8%
6807.90	-	Other	18%";

(22) in Chapter 69, for heading No. 69.01 and the entries relating thereto, the following shall be substituted, namely:—

"69.01		BRICKS, BLOCKS, TILES AND OTHER CERAMIC GOODS OF SILICEOUS EARTHS; REFRACTORY CERAMIC GOODS SUCH AS BRICKS, BLOCKS, TILES AND SIMILAR REFRACTORY CERAMIC CONSTRUCTIONAL GOODS AND OTHER REFRACTORY CERAMIC GOODS SUCH AS RETORTS, CRUCIBLES, MUFFLES, NOZZLES, PLUGS, SUPPORTS, CUPELS, TUBES, PIPES, SHEATHS AND RODS	
6901.10	-	Clay bricks other than fire-clay bricks	Nil
6901.20	-	Burnt clay tiles conforming to I. S. specification No. 3367 - 1975	Nil
6901.90	-	Other	15%";

(23) in Chapter 70,—

(i) for the heading No. 70.02 and the entries relating thereto, the following shall be substituted, namely:—

"70.02		CAST GLASS AND ROLLED GLASS, IN SHEETS OR PROFILES, DRAWN GLASS AND BLOWN GLASS, IN SHEETS, FLOAT GLASS AND SURFACE GROUND OR POLISHED GLASS, IN SHEETS, WHETHER OR NOT HAVING AN	
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(1)	(2)	(3)	(4)
		ABSORBENT, REFLECTING OR NON-REFLECTING LAYER, BUT NOT OTHERWISE WORKED	
7002.10	- Tinted		18%
7002.20	- Not tinted		18%";

(ii) in heading No. 70.10, for sub-heading Nos. 7010.10 and 7010.20 and the entries relating thereto, the following sub-headings and the entries shall be substituted, namely:—

	- Glass shells, glass globes and glass founts:		
7010.11	-- Globes for lamps and lanterns		Nil
7010.12	-- Founts for kerosene wick lamps		Nil
7010.19	-- Other		18%
	Glass chimneys:		
7010.21	-- For lamps and lanterns		Nil
7010.29	-- Other		18%";

(24) in Chapter 71, for heading No. 71.01 and the entries relating thereto, the following shall be substituted, namely:—

"71.01

NATURAL OR CULTURED PEARLS; PRECIOUS OR SEMI-PRECIOUS STONES; SYNTHETIC OR RECONSTRUCTED PRECIOUS OR SEMI-PRECIOUS STONES; DUST AND POWDER OF NATURAL OR SYNTHETIC PRECIOUS OR SEMI-PRECIOUS STONES; ARTICLES OF NATURAL OR CULTURED PEARLS, PRECIOUS OR SEMI-PRECIOUS STONES (NATURAL, SYNTHETIC OR RECONSTRUCTED); PRECIOUS METALS AND METALS CLAD WITH PRECIOUS METAL; ARTICLES OF JEWELLERY (OTHER THAN IMITATION JEWELLERY) AND PARTS THEREOF; IMITATION JEWELLERY; OTHER ARTICLES OF PRECIOUS METAL OR OF METALS CLAD WITH PRECIOUS METAL; WASTE AND SCRAP OF PRECIOUS METAL OR OF METALS CLAD WITH PRECIOUS METAL; OTHER WASTE AND SCRAP CONTAINING PRECIOUS METAL OR PRECIOUS METAL COMPOUNDS OF A KIND USED PRINCIPALLY FOR RECOVERY OF PRECIOUS METAL; COIN

7101.10	- Diamonds, cut or polished or both		Nil
7101.20	- Piezo-electric quartz		Nil
	- Precious metals, namely, silver, gold and platinum and other metals of the platinum group (unwrought), metals clad with precious metal:		
7101.31	-- Silver		Nil
7101.39	-- Other		18%
7101.40	- Articles of jewellery (other than imitation jewellery) and parts thereof		18%
7101.50	- Imitation jewellery		Nil
7101.60	- Strips, wires, sheets, plates and foils of silver		Nil
7101.70	- Articles of silver		18%
7101.80	- Dust and powder of natural or synthetic precious or semi-precious stones; waste and scrap of precious metal or metal clad with precious metal		18%
7101.90	- Other		18%";

(25) in Chapter 72,—

(i) after sub-heading No. 7204.20 and the entries relating thereto, the following sub-headings and the entries shall be inserted, namely:—

	- Of stainless steel:		
7204.21	-- Waste and scrap arising out of manufacture of cold rolled stainless steel pattis /patta		Nil
7204.29	-- Other		15%";

(ii) after sub-heading No. 7219.20 and the entries relating thereto, the following sub-heading and the entries shall be inserted, namely:—

7219.30	- Pattis/pattas when subjected to any process other than cold rolling		Nil";
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(1)	(2)	(3)	(4)
(iii) after sub-heading No. 7220.20 and the entries relating thereto, the following sub-heading and the entries shall be inserted, namely:—			
"7220.30	Pattis / pattas when subjected to any process other than cold rolling		Nil";
(iv) after sub-heading No. 7222.40 and the entries relating thereto, the following sub-heading and the entries shall be inserted, namely:—			
"7222.50	Circles used within the factory of production in the manufacture of utensils		Nil";
(26) in Chapter 73,—			
(i) after sub-heading No. 7308.40 and the entries relating thereto, the following sub-heading and the entries shall be inserted, namely:—			
"7308.50	- All goods fabricated at site of work for use in construction work at such site		Nil";
(ii) in heading No. 73.26, for sub-heading No. 7326.20 and the entries relating thereto, the following shall be substituted, namely:—			
"7326.21	- Articles of iron or steel wire		Nil
	- Tyre bead wire rings intended for use in the manufacture of tyres for cycles and cycle-rickshaws		
7326.29	- Other		15%";
(27) in Chapter 74,—			
(i) for heading No. 74.04, and the entries relating thereto, the following shall be substituted, namely:—			
"74.04	COPPER WASTE AND SCRAP		
7404.10	- Waste and scrap used within the factory of production for the manufacture of unrefined or unwrought copper, copper sheets or circles and handicrafts		Nil
7404.90	- Other		15%";
(ii) after sub-heading No. 7408.11 and the entries relating thereto, the following sub-heading and the entries shall be inserted, namely:—			
"7408.12	- Of which the maximum cross-sectional dimension does not exceed 0.315 mm and used for manufacture of imitation Zari		Nil";
(iii) after sub-heading No. 7408.21 and the entries relating thereto, the following sub-heading and the entries shall be inserted, namely:—			
"7408.22	- Of which the maximum cross-sectional dimension does not exceed 0.315 mm and used for manufacture of imitation Zari		Nil";
(iv) for heading No. 74.18 and the entries relating thereto, the following shall be substituted, namely:—			
"74.18	TABLE, KITCHEN OR OTHER HOUSEHOLD ARTICLES AND PARTS THEREOF, OF COPPER; POT SCOURERS AND SCOURING OR POLISHING PADS, GLOVES AND THE LIKE, OF COPPER; SANITARY WARE AND PARTS THEREOF, OF COPPER		
7418.10	- Table, kitchen or other household articles and parts thereof		Nil
7418.90	- Other		15%";
(28) in Chapter 76, for heading No. 76.02 and the entries relating thereto, the following shall be substituted, namely:—			
"76.02	ALUMINIUM WASTE AND SCRAP		
7602.10	- Waste and scrap used within the factory of production for the manufacture of unwrought aluminium plates and sheets		Nil
7602.90	- Other		15%";

(1)	(2)	(3)	(4)
(29) in Chapter 79, for heading No.79.07 and the entries relating thereto, the following shall be substituted, namely:—			
"79.07	7907.00	OTHER ARTICLES OF ZINC	15%";
(30) in Chapter 80, for heading No.80.05 and the entries relating thereto, the following shall be substituted, namely:—			
"80.05	8005.00	TIN FOIL (WHETHER OR NOT PRINTED OR BACKED WITH PAPER, PAPERBOARD PLASTICS OR SIMILAR BACKING MATERIALS), OF A THICKNESS (EXCLUDING ANY BACKING) NOT EXCEEDING 0.2 MM; TIN POWDERS AND FLAKES	15%";
(31) in Chapter 82, for heading No.82.09 and the entries relating thereto, the following shall be substituted, namely:—			
"82.09	8209.00	PLATES, STICKS, TIPS AND THE LIKE FOR TOOLS, UNMOUNTED, OF CERMETS	15%";
(32) in chapter 84,—			
(i) for heading No. 84.01 and the entries relating thereto, the following shall be substituted, namely:—			
"84.01		NUCLEAR REACTORS; FUEL ELEMENTS (CARTRIDGES), NON-IRRADIATED, FOR NUCLEAR REACTORS; MACHINERY AND APPARATUS FOR ISOTOPIC SEPARATION	
	8401.10	- Nuclear fuel	Nil
	8401.90	- Other	13%";
(ii) for heading No. 84.19 and the entries relating thereto, the following shall be substituted, namely:—			
"84.19		MACHINERY, PLANT OR LABORATORY EQUIPMENT, WHETHER OR NOT ELECTRICALLY HEATED, FOR THE TREATMENT OF MATERIALS BY A PROCESS INVOLVING A CHANGE OF TEMPERATURE SUCH AS HEATING, COOKING, ROASTING, DISTILLING, RECTIFYING, STERILISING, PASTEURISING, STEAMING, DRYING, EVAPORATING, VAPORISING, CONDENSING OR COOLING, OTHER THAN MACHINERY OR PLANT OF A KIND USED FOR DOMESTIC PURPOSES; INSTANTANEOUS OR STORAGE WATER HEATERS, NON ELECTRIC	
	8419.10	- All goods other than parts	13%
	8419.90	- Parts	13%";
(iii) for heading No. 84.22 and the entries relating thereto, the following shall be substituted, namely:—			
"84.22		DISH WASHING MACHINES; MACHINERY FOR CLEANING OR DYING BOTTLES OR OTHER CONTAINERS; MACHINERY FOR FILLING, CLOSING, SEALING OR LABELLING BOTTLES, CANS, BOXES, BAGS OR OTHER CONTAINERS; MACHINERY FOR CAPSULING BOTTLES, JARS, TUBES AND SIMILAR CONTAINERS; OTHER PACKING OR WRAPPING MACHINERY (INCLUDING HEAT-SHRINK WRAPPING MACHINERY); MACHINERY FOR AERATING BEVERAGES	
	8422.10	- Dish washing machines	18%
	8422.80	- Other	13%
	8422.90	- Parts	13%";
(iv) in heading No. 84.42, for sub-heading Nos. 8442.10 and 8442.90 and the entries relating thereto, the following sub-headings and the entries shall be substituted, namely:—			
"8442.10	-	Printing blocks and printing types	Nil
8442.20	-	Lithographic plates used within the factory of its production for printing purposes	Nil
8442.90	-	Other	13%";

(1)	(2)	(3)	(4)
(v) for heading No. 84.43 and the entries relating thereto, the following shall be substituted, namely:—			
"84.43		PRINTING MACHINERY, INCLUDING INKJET PRINTING MACHINES, OTHER THAN THOSE OF HEADING NO. 84.71; MACHINES FOR USES ANCILLARY TO PRINTING	
	8443.10	- All goods other than parts	13%
	8443.90	- Parts	13%";
(vi) for heading No. 84.58 and the entries relating thereto, the following shall be substituted, namely:—			
"84.58	8458.00	LATHES (INCLUDING TURNING CENTRES) FOR REMOVING METAL	13%";
(vii) for heading No. 84.59 and the entries relating thereto, the following shall be substituted, namely:—			
"84.59	8459.00	MACHINE-TOOLS (INCLUDING WAY- TYPE UNIT HEAD MACHINES) FOR DRILLING, BORING, MILLING, THREADING OR TAPPING BY REMOVING METAL, OTHER THAN LATHES (INCLUDING TURNING CENTRES) OF HEADING NO. 84.58	13%";
(viii) for heading No. 84.60 and the entries relating thereto, the following shall be substituted, namely:—			
"84.60	8460.00	MACHINE-TOOLS FOR DEBURRING, SHARPENING, GRINDING, HONING, LAPPING, POLISHING OR OTHERWISE FINISHING METAL, OR CERMETS BY MEANS OF GRINDING STONES, ABRASIVES OR POLISHING PRODUCTS, OTHER THAN GEAR CUTTING, GEAR GRINDING OR GEAR FINISHING MACHINES OF HEADING NO. 84.61	13%";
(ix) for heading No. 84.61 and the entries relating thereto, the following shall be substituted, namely:—			
"84.61	8461.00	MACHINE-TOOLS FOR PLANING, SHAPING, SLOTTING, BROACHING, GEAR CUTTING, GEAR GRINDING OR GEAR FINISHING, SAWING, CUTTING-OFF AND OTHER MACHINE-TOOLS WORKING BY REMOVING METAL, OR CERMETS, NOT ELSEWHERE SPECIFIED OR INCLUDED";	13%";
(x) for heading No. 84.63 and the entries relating thereto, the following shall be substituted, namely:—			
"84.63	8463.00	OTHER MACHINE-TOOLS FOR WORKING METAL, OR CERMETS, WITHOUT REMOVING MATERIAL	13%";
(xi) for heading No. 84.67 and the entries relating thereto, the following shall be substituted, namely:—			
"84.67		TOOLS FOR WORKING IN THE HAND, PNEUMATIC, HYDRAULIC OR WITH SELF-CONTAINED NON-ELECTRIC MOTOR	
	8467.10	- All goods other than parts	13%
	8467.90	- Parts	13%";
(xii) for heading No. 84.69 and the entries relating thereto, the following shall be substituted, namely:—			
"84.69		TYPEWRITERS OTHER THAN PRINTERS OF HEADING NO. 84.71; WORD-PROCESSING MACHINES	
	8469.10	- Braille typewriters	Nil
	8469.90	- Other	15%";
(xiii) for heading No. 84.70 and the entries relating thereto, the following shall be substituted, namely:—			
"84.70	8470.00	CALCULATING MACHINES AND POCKET- SIZE DATA RECORDING, REPRODUCING AND DISPLAYING MACHINES WITH CALCULATING FUNCTIONS; ACCOUNTING MACHINES, POSTAGE-FRANKING MACHINES, TICKET-ISSUING	18%";

(1)	(2)	(3)	(4)
MACHINES AND SIMILAR MACHINES, INCORPORATING A CALCULATING DEVICE; CASH REGISTERS			
(xiv) for heading No. 84.73 and the entries relating thereto, the following shall be substituted, namely:—			
"84.73	PARTS AND ACCESSORIES (OTHER THAN COVERS, CARRYING CASES AND THE LIKE) SUITABLE FOR USE SOLELY OR PRINCIPALLY WITH MACHINES OF HEADING NOS. 84.69 TO 84.72		
	8473.10	- Graphic and Intelligence Based Script Technology (GIST) cards (GIST) cards for multi-lingual computer	13%
	8473.20	- Parts of machines of heading No. 84.71	13%
	8473.90	- Other	18%";
(xv) in heading No. 84.79, for sub-heading No. 8479.10 and the entries relating thereto, the following sub-headings and the entries shall be substituted, namely:—			
		- Machines :	
	"8479.11	-- Briquetting plant and machinery intended for manufacture of briquettes from agricultural and municipal wastes	Nil
	8479.19	-- Other	13%";
(xvi) for heading No. 84.83 and the entries relating thereto, the following shall be substituted, namely:—			
"84.83	TRANSMISSION SHAFTS (INCLUDING CAM SHAFTS AND CRANK SHAFTS) AND CRANKS; BEARING HOUSINGS AND PLAIN SHAFTS BEARINGS; GEARS AND GEARING; BALL OR ROLLER SCREWS; GEAR BOXES AND OTHER SPEED CHANGERS, INCLUDING TORQUE CONVERTORS; FLYWHEELS AND PULLEYS, INCLUDING PULLEY BLOCKS; CLUTCHES AND SHAFT COUPLINGS (INCLUDING UNIVERSAL JOINTS)		
	8483.10	- Crankshafts intended for use in sewing machines	Nil
	8483.90	- Other	13%";
(xvii) for heading No. 84.84 and the entries relating thereto, the following shall be substituted, namely:—			
"84.84	8484.00	GASKETS AND SIMILAR JOINTS OF METAL SHEETING COMBINED WITH OTHER MATERIAL OR OF TWO OR MORE LAYERS OF METAL; SETS OR ASSORTMENTS OF GASKETS AND SIMILAR JOINTS, DISSIMILAR IN COMPOSITION, PUT UP IN POUCHES, ENVELOPES OR SIMILAR PACKINGS; MECHANICAL SEALS	13%";
(33) in Chapter 85,—			
(i) for heading No. 85.02 and the entries relating thereto, the following shall be substituted, namely:—			
"85.02	ELECTRIC GENERATING SETS AND ROTARY CONVERTORS		
	8502.10	- Diesel generating sets assembled, at site of installation, from duty paid engine and generator	Nil
	8502.90	- Other	13%";
(ii) for heading No. 85.10 and the entries relating thereto, the following shall be substituted, namely:—			
"85.10	8510.00	SHAVERS, HAIR CLIPPERS AND HAIR-REMOVING APPLIANCES, WITH SELF-CONTAINED ELECTRIC MOTOR	18%";
(iii) for heading No. 85.15 and the entries relating thereto, the following shall be substituted, namely:—			
"85.15	8515.00	ELECTRIC (INCLUDING ELECTRICALLY HEATED GAS), LASER OR OTHER LIGHT OR PHOTON BEAM, ULTRASONIC, ELECTRON BEAM, MAGNETIC PULSE OR PLASMA ARC SOLDERING, BRAZING OR WELDING MACHINES AND APPARATUS, WHETHER OR NOT CAPABLE OF CUTTING; ELECTRIC MACHINES AND APPARATUS FOR HOT SPRAYING OF METALS OR CERMETS";	13%";

(1)	(2)	(3)	(4)
(iv) for heading No. 85.17 and the entries relating thereto, the following shall be substituted, namely:—			
"85.17	8517.00	ELECTRICAL APPARATUS FOR LINE TELEPHONY OR LINE TELEGRAPHY, INCLUDING LINE TELEPHONE SETS WITH CORDLESS HANDSETS AND TELECOMMUNICATION APPARATUS FOR CARRIER-CURRENT LINE SYSTEMS OR FOR DIGITAL LINE SYSTEMS; VIDEOPHONES	18%";
(v) for heading No. 85.22 and the entries relating thereto, the following shall be substituted, namely:—			
"85.22	8522.00	PARTS AND ACCESSORIES SUITABLE FOR USE SOLELY OR PRINCIPALLY WITH THE APPARATUS OF HEADING NOS. 85.19 TO 85.21	18%";
(vi) for heading No. 85.24 and the entries relating thereto, the following shall be substituted, namely:—			
"85.24		RECORDS, TAPES AND OTHER RECORDED MEDIA FOR SOUND OR OTHER SIMILARLY RECORDED PHENOMENA, INCLUDING MATRICES AND MASTERS FOR THE PRODUCTION OF RECORDS, BUT EXCLUDING PRODUCTS OF CHAPTER 37	
	8524.10	- Gramophone records	13%
	8524.20	- Computer software	Nil
		- Magnetic tapes :	
	8524.31	-- Audio tapes in any form	18%
	8524.32	-- Audio cassettes	8%
	8524.33	-- Video tapes in any form	18%
	8524.34	-- Recorded video cassettes, containing tape of width not exceeding 15 millimetres, manufactured from an unrecorded video cassette	8%
	8524.35	-- Video cassettes, other	18%
	8524.39	-- Other	18%
	8524.40	- Magnetic discs	18%
	8524.90	- Other	18%";
(vii) for heading No. 85.27 and the entries relating thereto, the following shall be substituted, namely:—			
"85.27		RECEPTION APPARATUS FOR RADIO-TELEPHONY, RADIO-TELEGRAPHY OR RADIO-BROADCASTING, WHETHER OR NOT COMBINED, IN THE SAME HOUSING, WITH SOUND RECORDING OR REPRODUCING APPARATUS OR A CLOCK	
	8527.10	- Radio sets including transistor sets, having the facility of receiving radio signals and converting the same into audio output with no other additional facility like sound recording or reproducing or clock in the same housing or attached to it	8%
	8527.20	- All goods assembled at home as a hobby from readymade kits by individuals for their personal use	Nil
	8527.90	- Other	18%";
(viii) for heading No. 85.28 and the entries relating thereto, the following shall be substituted, namely:—			
"85.28		TELEVISION RECEIVERS (INCLUDING VIDEO MONITORS AND VIDEO PROJECTORS), WHETHER OR NOT INCORPORATING RADIO BROADCAST RECEIVERS OR SOUND OR VIDEO RECORDING OR REPRODUCING APPARATUS	
	8528.10	- All goods assembled at home as a hobby from readymade kits by individuals for their personal use	Nil
	8528.90	- Other	18%";
(ix) for heading No. 85.37 and the entries relating thereto, the following shall be substituted, namely:—			
"85.37	8537.00	BOARDS, PANELS, CONSOLES, DESKS, CABINETS AND OTHER BASES, EQUIPPED WITH TWO OR MORE	18%";

(1)	(2)	(3)	(4)
	APPARATUS OF HEADING NO. 85.35 OR 85.36, FOR ELECTRIC CONTROL OR THE DISTRIBUTION OF ELECTRICITY, INCLUDING THOSE INCORPORATING INSTRUMENTS OR APPARATUS OF CHAPTER 90, AND NUMERICAL CONTROL APPARATUS, OTHER THAN SWITCHING APPARATUS OF HEADING NO. 85.17		
	(x) for heading No. 85.39 and the entries relating thereto, the following shall be substituted, namely:—		
“85.39	ELECTRIC FILAMENT OR DISCHARGE LAMPS, INCLUDING SEALED BEAM LAMP UNITS AND ULTRA-VIOLET OR INFRA-RED LAMPS; ARC LAMPS		
	8539.10	- Vacuum and gas filled bulbs of value not exceeding Rs. 10 per bulb	8%
	8539.90	- Other	13%\$
	(34) in Chapter 86,—		
	(i) for heading No. 86.05 and the entries relating thereto, the following shall be substituted, namely:—		
“86.05	RAILWAY OR TRAMWAY PASSENGER COACHES, NOT SELF-PROPELLED; LUGGAGE VANS, POST OFFICE COACHES AND OTHER SPECIAL PURPOSE RAILWAY OR TRAMWAY COACHES, NOT SELF-PROPELLED (EXCLUDING THOSE OF HEADING NO. 86.04)		
	8605.10	- Broad gauge second class coaches including postal vans and luggage-cum-brake vans	15%
	8605.20	- Metre gauge second class coaches including postal vans and luggage-cum-brake vans	15%
	8605.90	- Other	18%”;
	(ii) for heading No. 86.06 and the entries relating thereto, the following shall be substituted, namely:—		
“86.06	RAILWAY OR TRAMWAY GOODS VANS AND WAGONS, NOT SELF-PROPELLED		
	8606.10	- Four-wheeler tank-wagons of pay-load not exceeding 23 tonnes	15%
	8606.20	- Metre-gauge eight-wheeler covered wagons of pay-load not exceeding 38 tonnes	15%
	8606.30	- Metre-gauge bogie open eight-wheeler tank wagons of pay-load not exceeding 38 tonnes	15%
	8606.40	- Broad-gauge eight-wheeler covered wagons of pay-load not exceeding 60 tonnes	15%
	8606.50	- Eight-wheeler tank-wagons of pay-load not exceeding 60 tonnes	15%
	8606.60	- Bogie-open-eight-wheeler wagons of pay-load not exceeding 60 tonnes	15%
	8606.70	- Broad-gauge bogie open eight-wheeler wagons of pay-load exceeding 60 tonnes but not exceeding 67 tonnes	15%
	8606.90	- Other	18%”;
	(35) in Chapter 87,—		
	(i) for heading No. 87.03 and the entries relating thereto, the following shall be substituted, namely:—		
“87.03	MOTOR CARS AND OTHER MOTOR VEHICLES PRINCIPALLY DESIGNED FOR THE TRANSPORT OF NOT MORE THAN SIX PERSONS, EXCLUDING THE DRIVER, INCLUDING RACING CARS		
	8703.10	- Three-wheeled motor vehicles	15%
	8703.90	- Other	40%”;
	(ii) for heading No. 87.04 and the entries relating thereto, the following shall be substituted, namely:—		
“87.04	MOTOR VEHICLES FOR THE TRANSPORT OF GOODS		
	8704.10	- Three-wheeled motor vehicles	15%

(1)	(2)	(3)	(4)
	8704.20	- Motor vehicles, other than petrol driven	15%
	8704.30	- Dumpers, designed,- (a) for use off the highway; (b) with net weight (excluding pay-load) exceeding 8 tonnes; and (c) for maximum pay-load capacity not less than 10 tonnes	15%
	8704.90	- Other	40%";
(iii) for heading Nos. 87.06 and entries relating thereto, the following shall be substituted, namely:—			
"87.06	CHASSIS FITTED WITH ENGINES, FOR THE MOTOR VEHICLES OF HEADING NOS. 87.01 TO 87.05		
	-	For the vehicles of heading No.87.01 :	
	8706.11	-- For the vehicles of sub-heading No. 8701.10	Nil
	8706.19	-- For the vehicles of sub-heading No. 8701.90	13%
	-	For the vehicles of heading No. 87.02 :	
	8706.21	-- For the vehicles of sub-heading No. 8702.10	25%
	8706.29	-- For the vehicles of sub-heading No. 8702.90	15%
	-	For the vehicles of heading No. 87.03 :	
	8706.31	-- For the vehicles of sub-heading No. 8703.10	15%
	8706.39	-- For the vehicles of sub-heading No. 8703.90	40%
	-	For the vehicles of heading No. 87.04 :	
	8706.41	-- For the vehicles of sub-heading No. 8704.10	15%
	8706.42	-- For the vehicles of sub-heading No. 8704.20	15%
	8706.49	-- For the vehicles of sub-heading Nos. 8704.30 or 8704.90	40%
	8706.50	- For the vehicles of heading No. 87.05	15%";
(36) in Chapter 88,—			
(i) for heading No. 88.02 and the entries relating thereto, the following shall be substituted, namely:—			
"88.02	OTHER AIRCRAFT (FOR EXAMPLE, HELICOPTERS, AEROPLANES); SPACECRAFT (INCLUDING SATELLITES) AND SUBORBITAL AND SPACECRAFT LAUNCH VEHICLES		
	-	Helicopters :	
	8802.11	-- Of an unladen weight not exceeding 2,000 kg.	Nil
	8802.12	-- Of an unladen weight exceeding 2,000 kg.	Nil
	8802.20	- Aeroplanes and other aircraft, of an unladen weight not exceeding 2,000 kg.	Nil
	8802.30	- Aeroplanes and other aircraft, of an unladen weight exceeding 2,000 kg. but not exceeding 15,000 kg.	Nil
	8802.40	- Aeroplanes and other aircraft, of an unladen weight exceeding 15,000 kg.	Nil
	8802.60	- Spacecraft (including satellites) and suborbital and spacecraft launch vehicles	Nil";
(ii) for heading No. 88.04 and the entries relating thereto, the following shall be substituted, namely:—			
"88.04	8804.00	PARACHUTES (INCLUDING DIRIGIBLE PARACHUTES AND PARAGLIDERS) AND ROTOCHUTES; PARTS THEREOF AND ACCESSORIES THERETO	Nil";
(37) in Chapter 90,—			
(i) for heading No. 90.04 and the entries relating thereto, the following shall be substituted, namely:—			
"90.04	SPECTACLES, GOGGLES AND THE LIKE, CORRECTIVE, PROTECTIVE OR OTHER		
	9004.10	- Sunglasses, other than those used for correcting vision	8%
	9004.90	- Other	Nil";
(ii) for heading No. 90.10, and the entries relating thereto, the following shall be substituted, namely:—			
"90.10	9010.00	APPARATUS AND EQUIPMENT FOR PHOTOGRAPHIC (INCLUDING CINEMATOGRAPHIC) LABORATORIES (INCLUDING APPARATUS FOR THE PROJECTION OR DRAWING OF CIRCUIT PATTERNS ON SENSITISED	18% "

(1)	(2)	(3)	(4)
SEMICONDUCTOR MATERIALS), NOT SPECIFIED OR INCLUDED ELSEWHERE IN THIS CHAPTER; NEGATOSCOPES; PROJECTION SCREENS			
(iii) for heading No. 90.21 and the entries relating thereto, the following shall be substituted, namely:—			
"90.21	ORTHOPAEDIC APPLIANCES, INCLUDING CRUTCHES, SURGICAL BELTS AND TRUSSES; SPLINTS AND OTHER FRACTURE APPLIANCES; ARTIFICIAL PARTS OF THE BODY; HEARING AIDS AND OTHER APPLIANCES WHICH ARE WORN OR CARRIED, OR IMPLANTED IN THE BODY, TO COMPENSATE FOR A DEFECT OR DISABILITY		
9021.10	-	Artificial limbs and rehabilitation aids for the handicapped	Nil
9021.20	-	Orthopaedic footwear, in or in relation to the manufacture of which no process is ordinarily carried on with the aid of power	Nil
9021.90	-	Other	5%";
(iv) for heading No. 90.22, and the entries relating thereto the following shall be substituted, namely:—			
"90.22	APPARATUS BASED ON THE USE OF X-RAYS OR OF ALPHA, BETA OR GAMMA RADIATIONS, WHETHER OR NOT FOR MEDICAL, SURGICAL, DENTAL OR VETERINARY USES, INCLUDING RADIOGRAPHY OR RADIO-THERAPY APPARATUS, X-RAY TUBES AND OTHER X-RAY GENERATORS, HIGH TENSION GENERATORS, CONTROL PANELS AND DESKS, SCREENS, EXAMINATION OR TREATMENT TABLES, CHAIRS AND THE LIKE		
9022.10	-	For medical, surgical, dental, or veterinary use	5%
9022.90	-	Other	13%";
(38) in Chapter 94,—			
(i) for heading No. 94.02 and the entries relating thereto, the following shall be substituted, namely:—			
"94.02	MEDICAL, SURGICAL, DENTAL OR VETERINARY FURNITURE (FOR EXAMPLE, OPERATING TABLES, EXAMINATION TABLES, HOSPITAL BEDS WITH MECHANICAL FITTINGS, DENTISTS' CHAIRS); BARBERS' CHAIRS AND SIMILAR CHAIRS, HAVING ROTATING AS WELL AS BOTH RECLINING AND ELEVATING MOVEMENTS; PARTS OF THE FOREGOING ARTICLES		
9402.10	-	Medical, surgical, dental, or veterinary furniture and parts thereof	8%
9402.90	-	Other	18%";
(ii) for heading No. 94.05 and the entries relating thereto, the following shall be substituted, namely:—			
"94.05	LAMPS AND LIGHTING FITTINGS INCLUDING SEARCHLIGHTS AND SPOTLIGHTS AND PARTS THEREOF, NOT ELSEWHERE SPECIFIED OR INCLUDED; ILLUMINATED SIGNS, ILLUMINATED NAME - PLATES AND THE LIKE, HAVING A PERMANENTLY FIXED LIGHT SOURCE, AND PARTS THEREOF NOT ELSEWHERE SPECIFIED OR INCLUDED		
9405.10	-	Kerosene pressure lanterns and parts thereof including gas mantles for use in kerosene pressure lanterns	Nil
9405.20	-	Hurricane lanterns	Nil
9405.90	-	Other	18%";
(39) in Chapter 95, for heading No. 95.04 and the entries relating thereto, the following shall be substituted, namely:—			
"95.04	ARTICLES FOR FUNFAIR, TABLE OR PARLOUR GAMES, INCLUDING PINTABLES, BILLIARDS, SPECIAL TABLES FOR CASINO GAMES AND AUTOMATIC BOWLING ALLEY EQUIPMENT		
9504.10	-	Playing cards	Nil
9504.90	-	Other	13%";

THE FOURTH SCHEDULE

(See section 83)

In the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act,—

(1) in sub-heading No. 2403.11, for the entry in column (4), the entry "Rs. 29 per thousand" shall be substituted;

(2) in sub-heading No. 2403.12, for the entry in column (4), the entry "Rs. 112 per thousand" shall be substituted;

(3) in sub-heading No. 2403.13, for the entry in column (4), the entry "Rs. 160 per thousand" shall be substituted;

(4) in sub-heading No. 2403.14, for the entry in column (4), the entry "Rs. 262 per thousand" shall be substituted;

(5) in sub-heading No. 2403.15, for the entry in column (4), the entry "Rs. 352 per thousand" shall be substituted;

(6) in sub-heading No. 2404.31, for the entry in column (4), the entry "Rs. 1.40 per thousand" shall be substituted;

(7) in sub-heading No. 2404.39, for the entry in column (4), the entry "Rs. 3.50 per thousand" shall be substituted;

(8) in sub-heading Nos. 5207.21, 5207.22, 5207.23 and 5207.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(9) in sub-heading Nos. 5208.21, 5208.22, 5208.23 and 5208.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(10) in sub-heading Nos. 5209.21, 5209.22, 5209.23 and 5209.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(11) in sub-heading Nos. 5406.21, 5406.22, 5406.23 and 5406.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(12) in sub-heading Nos. 5407.21, 5407.22, 5407.23 and 5407.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(13) in sub-heading Nos. 5511.21, 5511.22, 5511.23 and 5511.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(14) in sub-heading Nos. 5512.21, 5512.22, 5512.23 and 5512.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(15) in sub-heading Nos. 5513.21, 5513.22, 5513.23 and 5513.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(16) in sub-heading Nos. 5514.21, 5514.22, 5514.23 and 5514.29, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(17) in sub-heading Nos. 5801.22 and 5801.32, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(18) in sub-heading Nos. 5802.22, 5802.32 and 5802.52, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(19) in sub-heading Nos. 6001.11, 6001.12, 6001.21, 6001.22, 6001.91, 6001.92, 6002.30, 6002.42, 6002.43, 6002.92 and 6002.93, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to give effect to the financial proposals of the Central Government for the financial year 1997-98. The notes on clauses explain the various provisions contained in the Bill.

P. CHIDAMBARAM.

NEW DELHI;

The 27th February, 1997.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. F.3(2)-B(D)/97, dated the 27th February, 1997 from Shri P. CHIDAMBARAM, Minister of Finance, to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill, recommends under clause (1) of article 117, read with clause (1) of article 274, of the Constitution of India, the introduction of the Finance Bill, 1997, to the Lok Sabha.

2. The Bill will be introduced in the Lok Sabha immediately after the presentation of the Budget on the 28th February, 1997.

*Notes on clauses**Income-tax*

Clause 2, read with the First Schedule to the Bill, seeks to prescribe the rates at which income-tax (including surcharge thereon in case of domestic companies) is to be levied on income chargeable to tax for the assessment year 1997-98. Further, it lays down the rates at which tax is to be deducted at source during the financial year 1997-98 from income subject to such deduction under the Income-tax Act; and the rates at which "advance tax" is to be paid, tax is to be deducted at source from income chargeable under the head "Salaries" and tax is to be calculated and charged in special cases for the financial year 1997-98.

Rates of income-tax for the assessment year 1997-98

Part I of the First Schedule to the Bill specifies the rates of income-tax on incomes liable to tax for the assessment year 1997-98. These rates are the same as those specified in Part III of the First Schedule to the Finance (No. 2) Act, 1996, for the purposes of deduction of tax at source from "Salaries", computation of "advance tax" and charging of income-tax in special cases during the financial year 1996-97.

As provided by the Finance (No. 2) Act, 1996, the amount of income-tax computed in accordance with the provisions of this Part shall be increased in the case of a domestic company having income exceeding seventy-five thousand rupees by a surcharge, calculated at the rate of seven-and-a-half per cent. of such income-tax.

Rates for deduction of tax at source during the financial year 1997-98 from income other than "Salaries"

Part II of the First Schedule to the Bill specifies the rates at which income-tax is to be deducted at source during the financial year 1997-98 from incomes other than "Salaries". These rates are broadly the same as those specified in Part II of the First Schedule to the Finance (No. 2) Act, 1996, for the purposes of deduction of income-tax at source during the financial year 1996-97. However, the salient changes are as follows:—

(i) in the case of foreign companies, the rate of deduction of tax from royalty and technical service fees has been reduced from thirty per cent. to twenty per cent. in cases where the relevant agreement in pursuance of which the said royalty and fees are received has been entered into on or after the 1st day of June, 1997;

(ii) in the case of non-resident Indians, the rate of deduction of tax from long-term capital gains referred to in section 115E has been reduced from twenty per cent. to ten per cent.;

(iii) surcharge in the case of domestic companies has been abolished.

Rates for deduction of tax at source from "Salaries", computation of "advance tax" and charging of income-tax in special cases during the financial year 1997-98

Part III of the First Schedule to the Bill specifies the rates at which income-tax is to be deducted at source from "Salaries" and also the rates at which "advance tax" is to be paid and income-tax is to be calculated or charged in special cases for the financial year 1997-98.

Paragraph A of this Part specifies the rates of income-tax in the case of every individual or Hindu undivided family or every association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of Part III applies. In such cases, the income-tax exemption limit will continue to be Rs. 40,000. The rates of income-tax on total income above Rs. 40,000 will be as under:—

Rs. 40,001 to Rs. 60,000	10 per cent.;
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Rs. 60,001 to Rs.1,50,000	20 per cent.;
above Rs.1,50,000	30 per cent.

Paragraph B of this Part specifies the rates of income-tax in the case of every co-operative society. In such cases, the rates of tax will be the same as those specified for assessment year 1997-98.

Paragraph C of this Part specifies the rate of income-tax in the case of every firm. In such cases, the rate of tax will be thirty-five per cent.

Paragraph D of this Part specifies the rate of income-tax in the case of every local authority. In such cases, the rate of tax will be the same as that specified for assessment year 1997-98.

Paragraph E of this Part specifies the rates of income-tax in the case of companies. In such cases, the rates of tax have been reduced. The rate of tax in the case of domestic companies will now be thirty-five per cent. and no surcharge will be levied. The new rate of tax in the case of foreign companies will be forty-eight per cent.

Clause 3 seeks to amend section 10 of the Income-tax Act.

Sub-clause (a) seeks to insert clause (ba) in the *Explanation* occurring after item (i) of sub-clause (iv) of clause (15) of the said section relating to the meaning of the expression "industrial undertaking". The proposed amendment seeks to widen the definition of industrial undertaking so as to bring within its scope an undertaking engaged in the business of providing telecommunication services.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Sub-clause (b) seeks to omit clause (15A) providing exemption on any payment made by an Indian Company, engaged in the business of operation of aircraft, to acquire an aircraft on lease from the Government of a foreign State or a foreign enterprise under an agreement approved by the Central Government in this behalf.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Sub-clause (c) seeks to amend sub-clause (iii) of clause (17) by substituting the words "six hundred rupees per month" by the words "two thousand rupees per month". Sub-clause (iii) of clause (17) allows exemption to all allowances other than the daily allowance not exceeding rupees six hundred per month in the aggregate received by members of any State Legislature or of any Committee thereof, which the Central Government may, by notification, specify in this behalf.

The proposal is to increase the limit of exemption up to rupees two thousand per month in the aggregate in respect of other allowances received by a member of State Legislature or any Committee thereof.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Sub-clause (d) seeks to amend clause (23F) so as to widen the definition of venture capital undertaking to bring within its scope an undertaking engaged in the business of generation or generation and distribution of electricity or any other form of power or engaged in the business of providing telecommunication services.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Sub-clause (e) seeks to substitute clause (c) of the *Explanation* occurring below clause

(23G) relating to the definition of the expression "infrastructure facility".

The proposed amendment seeks to widen the definition of infrastructure facility so as to bring within its scope a project for generation or generation and distribution of electricity or any other form of power or a project for providing telecommunication services.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Sub-clause (f) seeks to omit clause (26AA) which exempts income of a person by way of winning from any lottery, the draw of which is held in pursuance of any agreement entered into on or before the 28th day of February, 1989 between the State Government of Sikkim and the organising agents of such lottery, where such person is resident in the State of Sikkim in any previous year.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Sub-clause (f) also seeks to omit clause (28) providing exemption in respect of any amount adjusted or paid in respect of a tax credit certificate under the provisions of Chapter XXII B and any scheme made thereunder.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Sub-clause (g) seeks to insert a new clause (33) to provide exemption to any dividends referred to in section 115-O.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 4 seeks to amend section 16 of the Income-tax Act relating to deductions from salaries.

It is proposed to enhance the upper limit of standard deduction in respect of salary income from fifteen thousand rupees to twenty thousand rupees for all persons.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 5 seeks to amend section 35 of the Income tax Act relating to expenditure on scientific research. The proposed amendment seeks to provide weighted deduction of an amount equal to 1-1/4th times the expenditure incurred by a company on in-house research and development facility, except expenditure on land or building. The expenditure on which weighted deduction is sought to be allowed should be incurred in the business of manufacture or production of any drugs, pharmaceuticals, electronic equipments, computers, telecommunication equipments or chemicals or any other article or thing notified in this behalf. No deduction shall be allowed in respect of this expenditure under any other provision of this Act. The section also seeks to provide that deduction under this section shall be allowed only if the research and development facility is approved by the prescribed authority, the company has entered into an agreement of cooperation and audit with the authority and the authority satisfied itself about the genuineness of the activities relating to scientific research of such company and its capability to fulfil its obligations under the agreement. The section also seeks to provide that the prescribed authority shall submit its report to the Director General in the prescribed form.

Clause 6 seeks to insert a new section 35ABB in the Income-tax Act.

The proposed section seeks to provide that any capital expenditure incurred and actually paid by an assessee on the acquisition of any right to operate telecommunication services by obtaining licence will be allowed as a deduction in equal instalments over the period

starting from the year in which such payment has been made and ending in the year in which the licence comes to an end. Where the licence is transferred and the proceeds of the transfer are less than the expenditure incurred remaining unallowed, a deduction equal to the expenditure remaining unallowed as reduced by the proceeds of transfer, shall be allowed in respect of the previous year, in which the licence has been transferred. Further, where the licence is transferred and proceeds of the transfer exceed the amount of expenditure incurred remaining unallowed, the excess amount shall be chargeable to tax as profits and gains of business in the previous year in which the licence has been transferred. The proposed section also provides that no deduction shall be allowed in the previous year in which the licence is transferred. It also provides for the manner of deduction of the expenditure where the licence is partly transferred.

The provisions in relation to transfer of licence shall not apply in a scheme of amalgamation whereby the licence is transferred by the amalgamating company to the amalgamated company, the latter being an Indian company.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Clause 7 seeks to amend section 36 of the Income-tax Act relating to other deductions.

Sub-clause (a) seeks to amend the proviso to clause (vii) of sub-section (1) of section 36. Under the existing provisions, the deduction relating to a bad debt or part thereof in the case of a bank to which clause (viiia) applies shall be limited to the amount by which such debt or part thereof exceeds the credit balance in the provision for bad and doubtful debts account made under that clause. In order to bring the provisions regarding allowance of bad debt of the financial institutions and corporations at par with the provisions regarding allowance of bad debt of the banks, it is proposed to extend the scope of the said proviso to a public financial institution or a State financial corporation or a State industrial investment corporation also to which the provisions of clause (viiia) are applicable. This amendment will take effect retrospectively from 1st April, 1992.

Sub-clause (a) also seeks to impose an obligation of maintenance of special reserve created by the financial corporation or the public company under clause (viii) of sub-section (1) of section 36. The said sub-clause also seeks to substitute clause (d) of the *Explanation* occurring in clause (viii) of sub-section (1) of section 36 so as to widen the meaning of the expression infrastructure facility by assigning to it the same meaning as is proposed to be given in clause (23G) of section 10. These amendments will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Sub-clause (b) seeks to substitute clause (v) of sub-section (2) of section 36. Clause (v) provides for a further condition for allowance of bad debt, namely, that where such debt or part thereof relates to advances made by a bank to which clause (viiia) of sub-section (1) applies, the bank has debited the amount of such debt or part of such debt in that previous year to the provision for bad and doubtful debts account under that clause. Clause (viiia) of sub-section (1) is applicable to a public financial institution, a State financial corporation or a State industrial investment corporation also. It is, therefore, proposed to include them in clause (v) so that the conditions applicable in case of a bank will also be applicable to them. This amendment will take effect retrospectively from 1st April, 1992.

Clause 8 seeks to amend section 37 of the Income-tax Act relating to general expenditure.

It is proposed to omit sub-section (2) relating to entertainment expenditure and sub-sections (3), (4) and (5) relating to expenditure on advertisement or on maintenance of any residential accommodation including any accommodation in the nature of a guest house and in connection with travelling.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 9 seeks to amend section 41 of the Income-tax Act relating to profits chargeable to tax.

Clause (viii) of sub-section (1) of section 36 of the Income-tax Act has been proposed to be amended vide clause 9 so as to impose an obligation of maintenance of special reserve after it has been created under the said clause.

It is proposed to insert a new sub-section (4A) in section 41 to provide that any amount withdrawn from the special reserves created and maintained under sub-clause (viii) shall be deemed to be the profits and gains of business or profession and, accordingly, be chargeable to income-tax as the income of the previous year in which such amount is withdrawn from the special reserve. It is further provided that where any amount is withdrawn from the special reserve in a previous year in which the business is no longer in existence, the provisions of this sub-section shall apply as if the business is in existence in that previous year.

It is also proposed to insert sub-section (4A) in sub-section (5) of section 41. This amendment is of a consequential nature.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 10 proposes to amend section 44AA of the Income-tax Act relating to maintenance of accounts by certain persons carrying on profession or business.

It is proposed to introduce the requirement of maintenance of accounts where the case of an assessee is covered under section 44AD or section 44AE or the proposed section 44AF, and it is claimed that the profits and gains from the business are lower than the profits and gains computed in accordance with sub-section (1) of section 44AD or sub-section (2) of section 44AE or sub-section (1) of section 44AF, as the case may be.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 11 proposes to amend section 44AB of the Income-tax Act which relates to the audit of accounts of certain persons carrying on business or profession.

It is proposed to introduce the requirement of audit of accounts where the case of an assessee is covered under section 44AD or section 44AE or the proposed section 44AF, and it is claimed that the profits and gains from the business are lower than the profits and gains computed in accordance with sub-section (1) of section 44AD or sub-section (2) of section 44AE or sub-section (1) of section 44AF, as the case may be.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 12 proposes to amend section 44AD of the Income-tax Act which relates to the special provision for computing profits and gains of business of civil construction, etc.

It is proposed to amend sub-section (2) of section 44AD to clarify that the deduction under clause (b) of section 40 shall not be admissible in computing the income presumptively under section 44AD.

This amendment will take effect retrospectively from 1st April, 1994 and will, accordingly, apply in relation to the assessment year 1994-95 and subsequent years.

Clause 13 proposes to amend section 44AE of the Income-tax Act which relates to the special provision for computing profits and gains of business of plying, hiring or leasing goods carriages.

It is proposed to amend sub-section (3) of section 44AE to clarify that the deduction under clause (b) of section 40 shall not be admissible in computing the income presumptively under section 44A.

This proposed amendment will take effect retrospectively from 1st April, 1994 and will, accordingly, apply in relation to the assessment year 1994-95 and subsequent years.

Clause 14 seeks to insert a new section 44AF in the Income-tax Act.

The new section 44AF seeks to provide for estimating income of an assessee who is engaged in the business of retail trade in any goods or merchandise, at a sum equal to five per cent. of the total turnover in the previous year on account of such business, or, as the case may be, a sum higher than the aforesaid sum as may be declared by the assessee in his return of income. The scheme will apply to such assessee engaged in the business of retail trade in whose case, the total turnover does not exceed forty lakh rupees. Under this scheme, the assessee will be deemed to have been allowed the deductions under sections 30 to 38 and clause (b) of section 40. Accordingly, the written down value of any asset used for the purpose of the business of the assessee will be deemed to have been calculated as if the assessee had claimed and had actually been allowed the deduction in respect of depreciation for each of the relevant assessment year. The assessee will not be required to maintain books of account under section 44AA and get the accounts audited under section 44AB in respect of such income unless the assessee claims that the profits and gains from the aforesaid business are lower than the profits and gains deemed to be his income under sub-section (1) of section 44AF.

It is also proposed to provide that where the assessee claims and produces evidence to prove that the profits and gains from the aforesaid business are lower than the profits and gains in sub-section (1) of section 44AF, the Assessing Officer shall proceed to make an assessment of the total income or loss of the assessee and determine the sum payable by him on the basis of the assessment made under sub-section (3) of section 143.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 15 proposes to amend section 44B of the Income-tax Act relating to special provisions for computing profits and gains of shipping business in the case of non-residents.

This section provides that in the case of a non-resident, the profits and gains from the business of operation of ships will be taken to be an amount equal to seven-and-a-half per cent. of the amount paid or payable to the assessee or to any other person on his behalf, on account of the carriage of passengers, livestock, mail or goods shipped at any Indian port as also of the amount received or deemed to be received in India on account of the carriage of passengers, livestock, mail or goods shipped at any port outside India.

It is proposed to insert an Explanation after sub-section (2) so as to clarify that the amounts paid or payable or the amounts received or deemed to be received under this sub-section will also include the amount received by way of demurrage charge or handling charge or any other amount of similar nature. The proposed amendment is of clarificatory nature.

This amendment will take effect retrospectively from 1st April, 1976.

Clause 16 seeks to amend section 47 of the Income-tax Act relating to transactions not regarded as transfer.

Clause (xi) which is proposed to be inserted provides that transfer by way of exchange of a capital asset being membership of a recognised stock exchange for shares of a company to which such membership is transferred would not be regarded as transfer for the purposes of section 45 and will not attract capital gains tax if such exchange is effected on or before the 31st December, 1997 and such shares are retained by the transferor for a period of not less than three years from the date of transfer.

Clause (xii) which is proposed to be inserted provides that the capital gains arising from

the transfer of land under a scheme prepared and sanctioned under section 18 of the Sick Industrial Companies (Special Provisions) Act, 1985, by a sick industrial company which is managed by its workers' co-operative will be exempt from tax, provided that such transfer is made in the period commencing from the previous year in which the said company has become a sick industrial company under sub-section (1) of section 17 of that Act and ending with the previous year during which the entire net worth of such company becomes equal to or exceeds the accumulated losses.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 17 seeks to amend section 47A of the Income-tax Act relating to withdrawal of exemption in certain cases.

It is proposed to provide that the capital gains not charged to tax under clause (xi) of section 47 shall be deemed to be the income chargeable under the head "Capital gains" of the previous year in which such transfer took place if the shares of the company received in exchange for transfer of membership in a recognised stock exchange are transferred at any time before the expiry of three years of such transfer.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 18 seeks to amend section 48 of the Income-tax Act relating to the mode of computation of capital gains.

It is proposed to insert a third proviso in section 48 to provide that the provisions relating to indexed cost of acquisition and indexed cost of improvement will not apply to the long-term capital gains arising from the transfer of long-term capital asset being bond or debenture.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 19 seeks to amend section 55 of the Income-tax Act relating to meaning of "adjusted", "cost of improvement" and "cost of acquisition" of capital assets.

It is proposed to provide that the cost of improvement of a capital asset, being a right to manufacture, produce or process any article or thing, shall be taken to be *nil*.

It is further proposed to provide that the cost of acquisition of a capital asset, being a right to manufacture, produce or process any article or thing, shall be the purchase price in the case of acquisition of such asset by the assessee by purchase from the previous owner, and *nil* in any other case.

These amendments will take effect from the first day of April, 1998, and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 20 seeks to amend clause (ia) of section 57 of the Income-tax Act relating to deduction from the family pension.

It is proposed to enhance the maximum amount of deduction to fifteen thousand rupees from the existing twelve thousand rupees.

This amendment will take effect from 1st April, 1998 and will, accordingly, in relation to the assessment year 1998-99 and subsequent years.

Clause 21 seeks to omit section 80AA of the Income-tax Act which relates to computation of deduction under section 80M.

The existing provisions contained in section 80AA provide that the deduction under section 80M shall be computed with reference to the income by way of dividends as computed in accordance with the provisions of the Income-tax Act (before making any deduction under Chapter VIA) and not with reference to the gross amount of such dividends.

This amendment is consequential to the omission of section 80M *vide* clause 28.

This amendment will take effect from 1st April, 1998.

Clause 22 seeks to amend section 80AB of the Income-tax Act relating to deductions to be made with reference to the income included in the gross total income of the assessee.

The said section clarifies that the deductions provided under the heading "Deductions in respect of certain income" in Chapter VI-A shall be with reference to the net amount of income included in the gross total income of the assessee. It is proposed to omit reference to section 80M from this section as section 80M is proposed to be omitted *vide* clause 28. This amendment is of consequential nature.

This amendment will take effect from 1st April, 1998.

Clause 23 seeks to amend section 80G of the Income-tax Act.

Section 80G provides for deduction from total income in respect of donations made by an assessee. In respect of donations to certain funds, hundred per cent. deduction is allowed.

It is proposed by sub-clauses (a) and (b) to provide hundred per cent. deduction in respect of donations made to Chief Minister's Relief Fund/Lieutenant Governor's Relief Fund in respect of any State/Union territory in order to attract donations to these funds.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 24 seeks to omit section 80GG of the Income-tax Act which relates to deduction in respect of rents paid.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 25 seeks to amend section 80-IA of the Income-tax Act relating to deduction in respect of profits and gains from industrial undertakings, etc., in certain cases.

The proposed amendment seeks to provide tax concessions to hotels which start functioning during the period commencing on 1st April, 1998 and ending on 31st March, 2002. The deduction shall be fifty per cent. of the profits in respect of hotels located in a hilly area or a rural area or a place of pilgrimage or a specified place. In respect of hotels located in any other place, the deduction shall be thirty per cent. of the profits. The hotels located at Calcutta, Chennai, Delhi and Mumbai will not be eligible for the tax deduction. This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1999-2000 and subsequent years.

The proposed amendment also seeks to enlarge the scope of deduction under section 80-IA and provide hundred per cent. deduction from the profits and gains of an undertaking carrying on the business of providing telecommunication services whether basic or cellular and for operation of industrial park for the initial five assessment years and thereafter twenty five per cent. of such profits and gains. It is further provided that the deduction shall be available to an undertaking which begins to provide such services at any time during the period beginning on 1st April, 1995 and before on 31st March, 2000.

This amendment will take effect retrospectively from 1st April, 1996 and will, accordingly, apply in relation to the assessment year 1996-97 and subsequent years.

Clause 26 seeks to omit section 80JJ of the Income-tax Act which relates to deduction in respect of profits and gains from business of poultry farming.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 27 seeks to amend section 80L of the Income-tax Act relating to deductions in

respect of interest on certain securities, dividends, etc.

Sub-clause (a) proposes to omit clauses (iv) of sub-section (1) relating to dividends from any Indian company.

Sub-clause (b) seeks to amend clause (x) of sub-section (1) so as to exclude dividends from the scope of the clause.

These amendments will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Sub-clause (c) proposes to amend proviso to sub-section (1) so as to provide for further deduction of three thousand rupees also in respect of any income by way of interest on any security of the Central Government or a State Government referred to in sub-clause (i) of sub-section (1) of section 80L.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 28 seeks to omit section 80M of the Income-tax Act relating to deduction in respect of certain inter-corporate dividends.

This amendment will take effect from 1st April, 1998.

Clause 29 seeks to amend section 80-O of the Income-tax Act relating to deduction in respect of royalties, etc. from certain foreign enterprises.

The proposed amendment seeks to rationalise the deduction by restricting the same only to any income received from the Government of a foreign state or foreign enterprise in consideration for the use outside India of any patent, invention, design or registered trade-mark.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 30 seeks to amend section 88 of the Income-tax Act relating to rebate on life insurance premiums, contribution to provident fund, etc.

This amendment seeks to include investments made in debentures of, and equity shares in, a public company for the purpose of providing basic or cellular telecommunication services, also as eligible issue of capital for availing the tax rebate under clause (xvi) of this section.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 31 seeks to substitute section 88B of the Income-tax Act relating to rebate of income-tax in the case of individuals of sixty-five years and above.

It is proposed to increase the rate of rebate available to the senior citizens to hundred per cent. subject to a limit of ten thousand rupees. It is also proposed to extend this rebate to all senior citizens irrespective of any income limit.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1998-99 and subsequent years.

Clause 32 seeks to amend section 115A of the Income-tax Act relating to tax on dividends etc. in the case of non-residents and foreign companies.

The amendment seeks to exclude dividends referred to in section 115-O from the purview of section 115A and is consequential to the insertion of the said section 115-O.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply to the

assessment year 1998-99 and subsequent years.

Clause 33 seeks to amend section 115 AC of the Income-tax Act relating to tax on income from bonds or shares etc. in the case of non-residents.

This amendment seeks to exclude dividends referred to in Section 115-O from the purview of section 115AC and is consequential to the insertion of section 115-O.

The amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Clause 34 seeks to amend section 115 AD of the Income-tax Act relating to tax on income of Foreign Institutional Investors from securities etc.

The amendment seeks to exclude dividends referred to in section 115-O from the purview of section 115AD and is consequential to the insertion of section 115-O.

The amendment will take effect from 1st April, 1998 and will, accordingly, apply to assessment year 1998-99 and subsequent years.

Clause 35 seeks to amend section 115 C of the Income-tax Act relating to definition in Chapter XII-A.

The amendment seeks to exclude dividends referred to in section 115-O from the scope of "investment income".

The amendment will take effect from 1st April, 1998 and will, accordingly, apply to assessment year 1998-99 and subsequent years.

Clause 36 seeks to substitute section 115E of the Income-tax Act which relates to tax on investment income and long-term capital gains.

This amendment seeks to provide that income-tax will be levied at the rate of ten per cent. instead of the prevailing rate of twenty per cent. on long term capital gains arising from the transfer of a foreign exchange asset in the case of a non-resident Indian.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Clause 37 seeks to amend section 115JA of the Income-tax Act which relates to the deemed income relating to certain companies.

It is proposed to exempt the export profits which are eligible for deduction under section 80HHC from the purview of this section.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply to assessment year 1998-99 and subsequent years.

Clause 38 seeks to insert a new section 115JAA in the Income-tax Act relating to tax credit in respect of tax paid on deemed income of certain companies.

The new section provides that where tax is paid in any assessment year in relation to the deemed income under section 115JA, a tax credit will be allowed in subsequent years. The tax credit shall be the difference between the tax paid under section 115JA and the tax payable on the total income computed in accordance with the other provisions of the Act. This tax credit shall be allowed to be carried forward for five assessment years succeeding the assessment year in which the credit became allowable. Such credit shall be allowed a set off against the tax payable on the total income in an assessment year in which the tax is computed in accordance with the other provisions of the Act. The set off to be allowed will be to the extent of an amount equal to the difference between the tax payable on the total income and the tax payable on the deemed income under section 115JA.

This amendment will take effect from 1st April, 1997 and will, accordingly, apply in

relation to the assessment year 1997-98 and subsequent years.

Clause 39 seeks to omit Chapter XII-C (containing sections 115K to 115N) of the Income-tax Act.

Under this Chapter, special provisions for computation of income in certain cases were made applicable. It is proposed to dispense with these special provisions.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply to assessment year 1998-99 and subsequent years.

Clause 40 seeks to insert a new Chapter XII-D relating to special provisions for tax on profits distributed by domestic companies.

Under the new provisions, the amounts declared, distributed or paid by way of dividends on or after the 1st June, 1997 by a domestic company shall be charged to additional income-tax at a flat rate of ten per cent., in addition to the normal income-tax chargeable on the income of the company. The principal officer of the company and the company shall be liable to pay income-tax to the credit of the Central Government within fourteen days from the declaration of dividends to its shareholders. If the principal officer and the company fails to so pay the income-tax to the credit of the Central Government, he or it shall be liable to pay simple interest at the rate of two per cent. every month or the part thereof on such amount of tax which he failed to pay to the credit of the Central Government and such principal officer and the company who does not pay the income-tax within fourteen days shall be deemed to be an assessee in default in respect of the amount of tax payable by him. It is further provided that no deduction under any of the provisions of the Income-tax Act shall be allowed to the shareholder in respect of the dividend income. It is also provided that the additional income-tax so paid by the company shall be treated as the final payment of tax in respect of the amount distributed and no further credit for such tax shall be claimed either by the company or by any other assessee.

The new provision is proposed to be made effective in respect of amounts declared distributed or paid by way of dividends on or after 1st June, 1997.

Clause 41 seeks to amend section 132 of the Income-tax Act relating to search and seizure.

Sub-clause (a) seeks to provide that approval for the retention of books of account or other documents seized during the search beyond the period of one hundred and eighty days can also be given by the Director General or the Director, as the case may be. Under the existing provision, such approval can be given only by a Chief Commissioner or a Commissioner.

Sub-clause (b) seeks to provide that where a person objects, for any reason, to the approval given under sub-section (8), such person may make an application to the Board against the order of Income-tax authorities mentioned in sub-clause (a). This amendment is consequential to the amendment made in sub-section (8) of section 132.

These amendments will take effect retrospectively from 1st October, 1996.

Clause 42 seeks to amend sub-section (1) of section 139 of the Income-tax Act which relates to the furnishing of return of income.

It is proposed to provide that a person who fulfils certain conditions shall also be required to furnish his return of income.

This amendment will take effect from 1st April, 1997 and will, accordingly, apply in relation to assessment year 1997-98 and subsequent years.

Clause 43 seeks to amend section 143 of the Income-tax Act relating to assessment.

It is proposed to make it mandatory for the Assessing Officer to send intimation in case

of all returns processed under sub-section (1) of section 143.

This amendment will take effect from 1st April, 1998.

Clause 44 proposes to amend section 172 of the Income-tax Act relating to shipping business in the case of non-residents.

Sub-section (2) provides that seven and a half per cent. of the amount paid or payable to the owner or the charterer or to any person on his behalf on account of carriage of passengers, livestock, mail or goods shipped at a port in India shall be deemed to be income accruing in India to such owner or charterer on account of such carriage.

It is proposed to insert sub-section (8) in section 172 to clarify that the amounts paid or payable to the owner or charterer or to any person on his behalf under sub-section (2) will include the amount paid or payable by way of demurrage charge or handling charge or any other amount of similar nature paid or payable to such owner or charterer or any other person on his behalf under the said sub-section.

This amendment will take effect retrospectively from 1st April, 1976.

Clause 45 seeks to amend section 193 of the Income-tax Act relating to deduction of tax at source from interest on securities.

The amendment seeks to provide that interest payable on any security of the Central Government or a State Government shall be exempt from the requirement of tax deduction at source under section 193.

The amendment will take effect from 1st June, 1997.

Clause 46 seeks to amend section 194 of the Income-tax Act relating to deduction of tax at source in respect of dividends paid.

This amendment is consequential to the insertion of new section 115-O. It is proposed to provide that section 194 shall not apply in the cases where declaration or distribution or payment of dividend is made after 1st June, 1997.

This amendment will take effect from 1st June, 1997.

Clause 47 seeks to amend section 194B of the Income-tax Act relating to tax deduction from winnings from lottery or crossword puzzle.

The amendment seeks to provide a mechanism for facilitating realisation of tax in respect of winnings in kind. According to the existing provisions of section 194B, tax is required to be deducted from winnings whether they are in cash or in kind. However, certain difficulties arise in the deduction of tax in cases where the winnings are wholly in kind or where they are partly in cash and partly in kind but the part in cash is not sufficient to meet the liability for deduction of tax in respect of the whole of the winnings. The amendment provides that in such cases, a person responsible for releasing the winnings, before doing so, shall ensure that tax has been paid in respect of the winnings.

This amendment will take effect from 1st June, 1997.

Clause 48 seeks to amend section 195 of the Income-tax Act relating to deduction of tax at source from remittances made to non-residents.

The amendment seeks to insert a proviso in sub-section (1) to provide that no tax shall be deducted from any dividends declared, distributed or paid by a domestic company on or after the 1st day of June, 1997. This is consequential to the insertion of a new Chapter XII-D relating to tax on distributed profits of domestic companies.

The amendment will take effect from 1st June, 1997.

Clause 49 seeks to amend section 196C of the Income-tax Act relating to deduction of tax

at source from income from foreign currency bonds or shares of an Indian company.

The amendment seeks to insert a proviso in the section to provide that no tax shall be deducted from any dividends declared, distributed or paid by a domestic company on or after the 1st day of June, 1997. This is consequential to the insertion of a new Chapter XII-D relating to tax on distributed profits of domestic companies.

Clause 50 seeks to amend section 196D of the Income-tax Act relating to deduction of tax at source from income of Foreign Institutional Investors from securities.

The amendment seeks to insert a proviso in sub-section (1) to provide that no tax shall be deducted from any dividends declared, distributed or paid by a domestic company on or after the 1st day of June, 1997. This is consequential to the insertion of a new Chapter XII-D relating to tax on distributed profits of domestic companies.

The amendment will take effect from 1st June, 1997.

Clause 51 seeks to amend section 206 of the Income-tax Act relating to furnishing of prescribed returns of tax deduction at source.

This amendment seeks to provide that the returns of tax deduction at source may be filed on magnetic media such as floppies, diskettes, magnetic cartridge tapes, etc. as may be specified by the Board. It is also proposed that the information in such returns shall be admitted in evidence in any proceedings under the Act.

This amendment will take effect from 1st April, 1997 and will, accordingly, apply to all returns filed on or after that date.

Clause 52 seeks to amend section 271C of the Income-tax Act relating to penalty for failure to deduct tax at source.

This amendment is consequential to the insertion of Chapter XII-D.

It is proposed to amend section 271C so as to provide that if any person fails to comply with the provisions of this Chapter, he shall be liable to pay, by way of penalty, a sum equal to the amount of tax which he failed to pay.

This amendment will take effect from 1st June, 1997.

Clause 53 seeks to insert a new section 271F in the Income-tax Act relating to penalty for failure to furnish the return of income.

It is proposed to provide that a person who fails to furnish his return of income as required by the proviso to sub-section (1) of section 139 shall be liable to pay, by way of penalty, a sum of five hundred rupees.

This amendment will take effect from 1st April, 1997 and will, accordingly, apply in relation to assessment year 1997-98 and subsequent years.

Clause 54 seeks to amend section 273B of the Income-tax Act. The section relates to penalty not to be imposed in certain cases.

It is proposed to provide that penalty for failure to furnish return of income as required by the proviso to sub-section (1) of section 139 shall not be imposed, if the person proves that there was reasonable cause for the said failure.

This amendment will take effect from 1st April, 1997 and will, accordingly, apply in relation to assessment year 1997-98 and subsequent years.

Clause 55 seeks to substitute section 276B of the Income-tax Act relating to failure to

pay the tax deducted at source.

The proposed amendment seeks to provide that if a person fails to pay to the credit of Central Government the tax payable by him, as required by or under the provisions of Chapter XII-D, he shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

This amendment will take effect from 1st June, 1997.

Clause 56 seeks to amend section 281B of the Income-tax Act relating to provisional attachment to protect revenue in certain cases.

Sub-section (1) provides that for the purpose of protecting the interest of revenue, the Assessing Officer may, with the previous approval of the Chief Commissioner or Commissioner attach provisionally any property belonging to the assessee in the manner provided in the Second Schedule to the said Act. Sub-section (2) provides for provisional attachment for the period of six months which can be extended by the Chief Commissioner or Commissioner.

It is proposed to confer the powers under sub-sections (1) and (2) upon the Director General and Director also.

These amendments will take effect retrospectively from 1st October, 1996.

Clause 57 seeks to amend section 4 of the Interest-tax Act, 1974 regarding the charge of tax.

It is proposed to reduce the rate of interest tax to two per cent. of chargeable interest.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to assessment year 1998-99 and subsequent years.

Clause 58 seeks to amend section 21 of the Interest-tax Act, 1974 relating to application of provisions of the Income-tax Act.

Section 21 of the Interest-tax Act applies certain sections and Schedules of Income-tax Act with necessary modifications, to the Interest-tax Act. Section 119 of the Income-tax Act confers powers upon the Central Board of Direct Taxes to issue such orders, instructions and directions to other income-tax authorities as it deems fit for the proper administration of the Act.

It is proposed to provide that the provisions of said section 119 shall apply with necessary modifications to the Interest-tax Act also.

This amendment will take effect retrospectively from 1st October, 1991 and will, accordingly, apply in relation to assessment year 1991-92 and subsequent years.

Clause 59 seeks to amend section 4 of the Expenditure-tax Act, 1987 relating to charge of expenditure-tax.

The proposed amendment seeks to insert second proviso to clause (a) of section 4 of the Expenditure-tax Act to exempt the hotels which start functioning in a hilly area or a rural area or a place of pilgrims, or a notified place during the period starting from 1st April, 1998 and ending on 31st March, 2002. The proposed exemption from levy of expenditure tax shall be for a period of ten assessment years commencing from 1st April, 1999 and ending on 31st March, 2009.

This amendment will take effect from 1st April, 1998 and will, accordingly, apply in relation to the assessment year 1999-2000 and subsequent years.

Clause 60 relates to short title and commencement of the scheme for voluntary disclosure

of income and wealth.

Clause 61 contains definitions of certain terms and expressions used in the Scheme.

Clause 62 provides for charge of income-tax on the income declared by a person under this clause.

Sub-clause (1) provides that any person may make a declaration on or after the commencement of this Scheme but on or before the 31st day of December, 1997 in respect of any income chargeable to tax under the Income-tax Act, for any assessment year up to and including the assessment year 1997-98 (a) for which he has failed to furnish a return under section 139 of the Income-tax Act; or (b) which he has failed to disclose in a return of income furnished by him under that Act before the commencement of this Scheme; or (c) which has escaped assessment by reason of his omission or failure to make a return under the Income-tax Act, or to disclose fully and truly all material facts necessary for his assessment or otherwise. The income so declared (hereinafter referred to as the voluntarily disclosed income) will be charged to tax at the rates specified thereunder.

Sub-clause (2) provides that a declaration under sub-clause (1) cannot be made in relation to (i) the income assessable for any assessment year for which a notice under section 142 or section 148 of the Income-tax Act, calling for a return of income has been served upon the declarant and the return has not been furnished before the commencement of this Scheme; and (ii) income of the previous year in which any search or requisition under the Income-tax Act or the Wealth-tax Act was made, or any earlier previous year.

Clause 63 contains provisions for voluntary disclosure of wealth.

Sub-clause (1) provides that any person may make a declaration on or after the commencement of this Scheme but on or before the 31st day of December, 1997 in respect of net wealth chargeable to wealth-tax for any assessment year (a) for which he has failed to furnish a return under the Wealth-tax Act; or (b) the value of the assets which has not been disclosed, or the value of the assets which has been understated, in any return of net wealth for any assessment year. Where such a declaration is made, the net wealth or, as the case may be, the value so declared shall not be taken into account for the purposes of any proceedings relating to imposition of penalty on the declarant or for the purposes of his prosecution under the Wealth-tax Act. It will, however, not be permissible for a person to make a declaration in relation to the net wealth assessable for any assessment year for which a notice for furnishing the return has been served upon the declarant before the commencement of this Scheme. It will also not be permissible to make a declaration in relation to so much of the value of such assets as has been assessed in any assessment for the relevant assessment year made by the Assessing Officer before the date on which the declaration is made.

Sub-clause (2) provides that a copy of the declaration shall be forwarded by the Commissioner to the Assessing Officer and the information contained therein may be taken into account for the purposes of the assessment of the net wealth of the declarant under the Wealth-tax Act.

Sub-clause (3) provides that the immunity conferred by sub-clause (1) shall not be available to the declarant unless the wealth-tax chargeable in respect of the net wealth for the assessment year or years for which the declaration has been made is paid by the declarant in accordance with the provisions of clause 65 and clause 66.

Sub-clause (5) provides that where any wealth-tax is paid by the declarant for any assessment year in accordance with the provisions of the Bill, credit therefor shall be given to the declarant in the assessment made under the Wealth-tax Act for that year.

Clause 64 contains provisions relating to particulars to be furnished in a declaration under clause 62 or clause 63 of the Bill.

Sub-clause (1) provides that the declaration shall be made to the Commissioner of Income-tax and shall be in such form and shall be verified in such manner as may be prescribed by rules made by the Central Board of Direct Taxes.

Sub-clause (2) specifies the persons who are competent to sign the declaration under clause 62 or clause 63 of the Bill.

Sub-clause (3) provides that any person who has made a declaration under clause 62 or clause 63 of the Bill in respect of his income or wealth or (as a representative assessee) in respect of the income or wealth of any other person will not be entitled to make any other declaration under that clause in respect of his income or wealth or, as the case may be, the income or wealth of such other person and such other declaration, if made, shall be deemed to be void.

Clause 65 contains provisions relating to the time for payment of tax and provides that the tax payable in respect of the voluntarily disclosed income or wealth shall be paid by the declarant before making the declaration and the declaration shall be accompanied by proof of payment of the tax.

Clause 66 provides that the declarant will be liable to pay simple interest at two per cent. per month on the tax upto three months and if the declarant fails to pay the tax within the time specified, his declaration will be treated as void.

Clause 67 provides that the voluntarily disclosed income will not be included in the total income of the declarant for any assessment year under the Income-tax Act, if certain conditions specified in this behalf are fulfilled. These conditions are that (i) the declarant credits the amount of the voluntarily disclosed income in the books of account, if any, maintained by him or in any other record and intimates the credit so made to the Assessing Officer; and (ii) the tax in respect of the voluntarily disclosed income is paid by the declarant within the specified time.

Clause 68 provides that a declaration under clause 62 or clause 63 of the Bill will not affect the finality of completed assessments and the declarant will not be entitled to claim any set off or relief, in respect of the voluntarily disclosed income or wealth in any appeal, reference or other proceeding.

Clause 69 provides that the tax paid in respect of the voluntarily disclosed income or wealth shall not be refundable under any circumstances.

Clause 70 provides that, notwithstanding anything contained in any other law for the time being in force, nothing contained in any declaration made under clause 62 or clause 63 shall be admissible in evidence against the declarant for the purposes of any proceeding relating to imposition of penalty or for the purposes of prosecution under any of the Acts mentioned therein.

Clause 71 provides for the secrecy of declaration.

Sub-clause (1) provides that all particulars contained in a declaration under clause 62 or clause 63 shall be treated as confidential and no court or any other authority shall be entitled to require any public servant or the declarant to produce before it any such declaration or any part thereof or to give any evidence before it in respect thereof.

Sub-clause (2) provides that no public servant shall disclose any particulars contained in such a declaration except to any officer employed in the execution of the Income-tax Act, or the Wealth-tax Act, or to any officer appointed by the Comptroller and Auditor-General of India or the Central Board of Direct Taxes to audit income-tax receipts or refunds.

Clause 72 provides for exemption from wealth-tax in respect of assets specified in a

declaration under clause 63.

Sub-clause (1) provides that where the voluntarily disclosed income is represented by cash (including bank deposits), bullion, investment in shares, debts due from other persons, commodities or any other assets specified in the declaration under clause 62, (a) in respect of which the declarant has failed to furnish a return under the Wealth-tax Act for any assessment year up to and including the assessment year 1997-98, or (b) which have not been shown in the return of net wealth furnished by him for the said year or years, then, notwithstanding anything contained in the Wealth-tax Act or any rules made thereunder, no wealth-tax shall be payable by the declarant in respect of such assets and they shall not be included in his net wealth for the said assessment year or years. Where the voluntarily disclosed income is represented by assets which have been understated in value in the return of net wealth furnished by the declarant for the said year or years, the amount of the understatement, to the extent the voluntarily disclosed income has been utilised for acquiring such assets, will not be included in the net wealth of the declarant for the said assessment year or years. The Explanation to this sub-clause provides that where a declaration under clause 63 is made by a firm, the assets or, as the case may be, the amount referred to above will not be taken into account in computing the net wealth of any partner of the firm or, as the case may be, in determining the value of the interest of any partner in the firm.

Sub-clause (2) provides that the benefit conferred by sub-clause (1) shall not apply unless the conditions specified in sub-clause (1) of clause 64 are fulfilled by the declarant.

Clause 73 applies the provisions of Chapter XV of the Income-tax Act relating to liability in special cases and section 189 of the Income-tax Act relating to a firm which has been dissolved or the business or profession of which has been discontinued and the provisions of Chapter V of the Wealth-tax Act relating to liability to assessment in special cases, to proceedings under the Scheme.

Clause 74 clarifies that, except as otherwise expressly provided in the *Explanation* to sub-clause (1) of clause 72 nothing contained in the Scheme shall be construed as conferring any benefit, concession or immunity on any person other than the person making the declaration.

Clause 75 empowers the Central Government to pass any order, not inconsistent with the provisions of the Scheme, for removing any difficulty which may arise in giving effect to its provisions.

Clause 76 empowers the Central Board of Direct Taxes to make rules for carrying out the provisions of the Scheme.

Clause 77 provides that the provisions of the Scheme shall not apply to—

- (a) any person in respect of whom an order of detention has been made under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 and such order of detention has not been revoked or set aside, or
- (b) in relation to prosecution for any offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code, 1860, the Narcotic Drugs and Psychotropic Substances Act, 1985, the Terrorists and Disruptive Activities (Prevention) Act, 1987, the Prevention of Corruption Act, 1988 or for the purpose of enforcement of any civil liability.

Customs

Clause 78 seeks to amend the Customs Tariff Act, 1975.

This clause seeks to insert a new section 8B in the Customs Tariff Act, 1975 to empower the Central Government to impose a safeguard duty on articles which are imported into India in such increased quantities and or in such manner so as to cause or threatening to cause serious injury to the domestic industry. This amendment is necessary to safeguard the interests of the domestic industry which may be adversely affected by the increase in im-

ports resulting from the obligations assumed under the General Agreement of Tariffs and Trade or under a Most Favoured Nation Agreement.

This amendment will take effect from the date on which this Bill receives the assent of the President.

Clause 79 seeks to amend the First Schedule to the Customs Tariff Act, so as to,—

(a) reduce the basic customs duty in respect of articles falling under the following Chapters, heading, and

sub-heading Nos.,

Chapters 1, 8 (heading Nos. 08.03, 08.05, 08.07, 08.08, 08.11, 08.12, 08.13 and 08.14 and sub-heading Nos. 0801.11, 0801.19, 0801.21, 0801.22, 0801.32, 0802.21, 0802.22, 0802.31, 0802.32, 0802.40, 0802.50, 0802.90, 0804.20, 0804.30, 0804.40, 0804.50, 0806.20, 0809.10, 0809.20, 0809.30, 0810.10, 0810.20, 0810.30, 0810.40 and 0810.50), 12 (heading Nos. 12.01, 12.02, 12.03, 12.04, 12.05, 12.06, 12.07, 12.08, 12.10, 12.12, 12.13 and 12.14 and sub-heading Nos. 1209.11, 1209.19, 1209.21, 1209.22, 1209.23, 1209.24, 1209.25, 1209.26, 1209.29, 1209.30, 1211.10 and 1211.20), 13 (heading No. 13.01 and sub-heading Nos. 1302.11, 1302.12, 1302.13, 1302.14, 1302.31, 1302.32 and 1302.39), 15 (heading Nos. 15.01, 15.03, 15.04, 15.05, 15.06, 15.08, 15.11, 15.12, 15.15, 15.16, 15.17, 15.18, 15.20, 15.21 and 15.22 and sub-heading Nos. 1513.21 and 1513.29), 16, 17 (except sub-heading Nos. 1702.11, 1702.19, 1703.10 and 1703.90), 18 (heading No. 18.01), 19 (except sub-heading No. 1901.10), 20, 21, 22 (except sub-heading No. 2207.20), 23, 24, 25 (heading Nos. 25.01, 25.03, 25.04, 25.17, 25.19, 25.21, 25.22 and 25.24), 26 (except heading No. 26.01 and sub-heading Nos. 2620.11, 2620.19 and 2620.30), 27 (heading Nos. 27.01, 27.02, 27.03 and 27.04 and sub-heading Nos. 2707.40 and 2707.60), 28 (except heading No. 28.23 and sub-heading Nos. 2801.20, 2815.11, 2815.12 and 2845.10), 29 (except heading Nos. 29.01 and 29.02 and sub-heading Nos. 2903.15, 2903.21, 2905.31, 2915.21, 2917.12, 2917.36, 2917.37, 2918.12, 2926.10, 2933.21 and 2933.71), 30 (except sub-heading No. 3006.60), 31 (except sub-heading Nos. 3102.21, 3102.50, 3104.30, 3105.20, 3105.30, 3105.40, 3105.51, 3105.59, 3105.60 and 3105.90), 32 (except heading No. 32.01 and sub-heading Nos. 3206.11 and 3206.19), 33, 34, 35, 36, 37 (except sub-heading Nos. 3701.20 and 3702.20), 38, 39 (heading Nos. 39.16, 39.17, 39.18, 39.19, 39.20, 39.21, 39.22, 39.23, 39.24, 39.25 and 39.26), 40 (except sub-heading Nos. 4001.10, 4001.21, 4001.22, 4001.29 and 4011.30), 42, 43 (heading Nos. 43.03 and 43.04 and sub-heading Nos. 4301.30 and 4302.13), 44 (heading Nos. 44.01, 44.02 and 44.03), 46, 48 (heading Nos. 48.12, 48.13, 48.14, 48.15, 48.16, 48.17, 48.18, 48.19, 48.20, 48.21, 48.22 and 48.23), 49 (heading Nos. 49.05 and 49.06), 50 (except heading No. 50.02), 51 (except sub-heading No. 5105.30), 52, 53 (heading Nos. 53.06, 53.07, 53.08, 53.09, 53.10 and 53.11), 54 (except heading Nos. 54.02 and 54.03), 55 (heading Nos. 55.05, 55.08, 55.09, 55.10, 55.11, 55.12, 55.13, 55.14, 55.15 and 55.16), 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 (except heading No. 68.06), 69 (except heading No. 69.02), 70, 71, 72 (heading No. 72.02), 75, 80, 82, 83, 84 (except heading No. 84.71 and sub-heading No. 8473.30), 85 (except heading Nos. 85.33, 85.34, 85.35, 85.41 and sub-heading Nos. 8508.90, 8516.10, 8522.10, 8537.20, 8540.12, 8540.20, 8540.50, 8540.60, 8540.71, 8540.72, 8540.79, 8540.81, 8540.89, 8540.91, 8540.99 and 8548.10), 86 (except heading Nos. 86.07 and 86.08), 87 (except heading No. 87.10), 88 (except sub-heading Nos. 8802.20, 8802.30, 8802.40, 8803.10, 8803.20 and 8803.30), 89, 90, 91, 93, 94, 95, 96, 97 (heading Nos. 97.01, 97.02, 97.03 and 97.06) and 98 (heading No. 98.02, 98.04 and 98.05);

(b) increase the basic customs duty in respect of articles falling under Chapters 76 (heading Nos. 76.01 and 76.02) and 85 (heading No. 85.35 and sub-heading Nos. 8508.90, 8516.10 and 8537.20); and

(c) change the mode of levy of duty from specific to *ad valorem* or specific, in respect of articles falling under sub-heading Nos. 0802.11 and 0802.12.

Excise

Clause 80 seeks to insert a new section 4A in the Central Excise Act so as to provide for charging of excise duty on specified commodities with reference to retail sale price.

Clause 81 seeks to insert a new section 14AA in the Central Excise Act to provide for a special audit of the records of a manufacturer of any excisable goods in cases of misuse of credit of duty availed of or utilised under the Central Excise Act.

Clause 82 seeks to amend the Schedule to the Central Excise Tariff Act, so as to -

- (a) reduce the excise duty in respect of goods falling under the following Chapters, heading and sub-heading Nos., namely :-

Chapter 11 (sub-heading No. 1102.00), 15 (heading No. 15.07 and sub-heading No. 1508.10), 17 (sub-heading Nos. 1701.90, 1702.19, 1702.21, 1702.29, 1702.30, 1704.10 and 1704.90), 18, 19 (sub-heading No. 1905.11), 21 (sub-heading Nos. 2101.10, 2101.20, 2107.00, 2108.20 and 2108.99), 22 (sub-heading No. 2203.00), 25 (sub-heading Nos. 2502.10, 2502.21, 2502.30, 2502.40, 2502.50 and 2502.90), 26, 27 (sub-heading Nos. 2707.10, 2707.20, 2707.30, 2707.40, 2707.50, 2707.60 and 2707.90), 28 (except heading No. 28.04, 28.05, 28.11, 28.14, 28.44, 28.45 and 28.51 and sub-heading Nos. 2833.20 and 2847.11), 29 (except sub-heading Nos. 2925.10 and heading No. 29.33 and 29.34), 30 (sub-heading No. 3003.39), 31 (except heading No. 31.01), 32 (except sub-heading No. 3215.00), 33 (sub-heading No. 3307.41), 34 (except sub-heading Nos. 3401.12, 3402.10, 3403.10 and 3406.10), 35, 36 (except sub-heading No. 3605.00), 37 (sub-heading Nos. 3701.10 and 3702.10), 38 (except heading Nos. 38.05, 38.06, 38.18, 38.22 and 38.23), 40 (sub-heading Nos. 4002.00, 4003.00, 4004.00, 4006.90, 4007.00, 4009.10, 4009.91, 4009.92, 4009.99, 4014.90, 4015.00, 4016.19, 4016.91, 4016.99, 4017.10 and 4017.20), 42, 44 (sub-heading Nos. 4402.00, 4406.10, 4406.20, 4406.30, 4406.90, 4407.10, 4407.90, 4408.10, 4408.20, 4408.30, 4408.40, 4408.90, 4409.00 and 4410.11), 45, 48 (sub-heading Nos. 4803.00, 4806.10, 4806.20, 4806.90, 4807.10, 4807.91, 4807.92, 4807.99, 4809.10, 4809.20, 4809.90, 4810.10, 4810.20, 4810.90, 4812.00, 4813.00, 4814.00, 4815.00, 4816.00, 4819.19, 4819.90 and 4822.00), 49 (sub-heading No. 4901.10), 50 (sub-heading Nos. 5004.19), 51 (sub-heading Nos. 5105.10, 5105.21, 5105.29, 5105.30, 5105.40, 5106.12, 5106.13, 5107.11, 5107.12, 5108.00 and 5109.00), 52 (sub-heading Nos. 5205.11, 5205.19, 5206.11 and 5206.12), 53 (sub-heading Nos. 5306.11, 5306.19, 5307.11, 5307.12, 5308.14, 5309.10, 5309.21, 5309.22, 5309.23, 5309.29, 5310.10, 5310.21, 5310.22, 5310.23 and 5310.29), 54 (5401.10, 5401.20, 5402.20, 5402.32, 5402.42, 5402.43, 5402.52, 5402.62, 5402.39, 5402.49, 5402.59, 5402.69, 5403.10, 5403.20, 5403.31, 5403.32, 5403.33, 5403.39, 5403.41, 5403.42, 5403.49, 5404.10, 5404.90 and 5405.00), 55 (sub-heading Nos. 5501.10, 5501.20, 5501.30, 5501.90, 5502.00, 5503.10, 5503.20, 5503.30, 5503.40, 5503.90, 5504.10, 5504.90, 5505.10, 5505.20, 5506.10, 5506.20, 5506.30, 5506.90, 5507.00, 5508.10, 5508.20, 5509.11, 5509.19, 5509.21, 5509.22, 5509.31, 5509.32, 5509.41, 5509.42, 5509.50, 5509.60, 5509.90, 5510.11, 5510.12 and 5510.90), 56 (sub-heading Nos. 5601.10, 5603.00, 5605.00 and 5607.10), 57 (sub-heading Nos. 5702.12, 5702.19, 5703.20 and 5703.90), 58 (sub-heading Nos. 5803.00, 5805.11, 5805.19), 59 (sub-heading Nos. 5901.10, 5901.90, 5902.10, 5902.20, 5902.90, 5903.10, 5903.20, 5903.90, 5904.10, 5904.91, 5904.92, 5905.00, 5907.11, 5907.12, 5907.19 and 5907.90), 63 (sub-heading Nos. 6301.10, 6301.20, 6301.30, 6301.40, 6301.90, 6302.00, 6303.00, 6304.00, 6305.10, 6305.20, 6305.90, 6306.00 and 6307.90), 68, 69 (sub-heading No. 6906.10), 70 (except sub-heading Nos. 7009.00, 7011.10, 7012.10 and 7013.10), 73 (sub-heading No. 7323.10), 76 (sub-heading No. 7615.20), 82 (sub-heading No. 8215.00), 83, 84 (sub-heading Nos. 8402.90, 8403.90, 8404.90, 8405.90, 8406.90, 8409.00, 8410.90, 8411.90, 8412.90, 8413.99, 8414.30, 8414.92, 8414.99, 8415.00, 8416.90, 8417.90, 8418.10, 8418.90, 8420.90, 8421.90, 8423.10, 8423.90, 8424.99, 8428.10, 8431.00, 8434.10, 8434.90, 8435.90, 8438.90, 8439.90, 8440.90, 8441.90, 8448.90, 8449.90, 8450.10, 8451.90, 8453.90, 8454.90, 8455.90, 8466.00, 8468.90, 8471.00, 8474.90, 8475.90, 8476.11, 8476.19, 8476.91, 8476.99, 8477.90, 8478.90, 8479.90, 8480.90, 8481.10, 8481.80, 8481.91, 8481.99, 8482.00, 8485.10 and 8485.90), 85 (sub-heading Nos. 8503.00, 8505.00,

8506.00, 8507.00, 8508.00, 8509.00, 8511.00, 8512.00, 8516.00, 8518.00, 8519.00, 8520.00, 8523.11, 8523.13, 8523.14, 8523.19, 8523.20, 8523.90, 8525.00, 8526.00, 8529.00, 8530.00, 8531.00, 8532.00, 8536.10, 8536.90, 8538.00, 8540.11, 8540.90, 8541.00, 8542.00, 8543.90, 8544.10, 8544.90, 8545.00, 8546.00, 8547.00 and 8548.00), 86 (sub-heading No. 8607.00), 87 (sub-heading No. 8707.00), 90 (sub-heading Nos 9001.90, 9002.00, 9003.90, 9005.00, 9006.00, 9007.00, 9008.00, 9009.00, 9032.11 and 9032.91), 91 (sub-heading Nos. 9103.00, 9104.00, 9105.00, 9106.00, 9107.00, 9108.00, 9109.00, 9110.00, 9111.00, 9112.00, 9113.00 and 9114.00), 92, 93 (except sub-heading No. 9301.00), 94 (sub-heading Nos. 9401.00, 9403.00 and 9406.00), 95 (sub-heading Nos. 9505.00, 9506.00, 9507.00 and 9508.00), 96 (sub-heading Nos. 9601.00, 9602.00, 9604.00, 9605.10, 9605.90, 9606.90, 9608.00, 9611.00, 9612.00, 9613.10, 9613.90, 9614.00, 9616.00 and 9618.00);

- (b) increase the excise duty in respect of goods falling under the following Chapters, heading and sub-

heading Nos., namely :-

Chapters 04 (sub-heading No. 0401.14), 11 (sub-heading No. 1103.00), 17 (sub-heading No. 1703.90), 19 (sub-heading Nos. 1905.21 and 1905.29), 21 (sub-heading Nos. 2102.90 and 2105.00), 22 (sub-heading Nos. 2201.19, 2202.19, 2202.30 and 2202.99), 24 (sub-heading Nos. 2403.11, 2403.12, 2403.13, 2403.14, 2403.15, 2404.31 and 2404.39), 28 (sub-heading Nos. 2804.11 and 2847.11), 29 (sub-heading No. 2925.10), 37 (except heading Nos. 37.05 and 37.06 and sub-heading Nos. 3701.10 and 3702.10), 39 (heading Nos. 39.05, 39.06, 39.07, 39.08, 39.09, 39.10, 39.11, 39.12, 39.13, 39.14, 39.17 and sub-heading Nos. 3903.20, 3903.30, 3904.61, 3920.21, 3920.22, 3920.23, 3920.24, 3920.25, 3920.26, 3920.27, 3920.28 and 3920.29), 40 (sub-heading Nos. 4012.11 and 4012.90), 43, 59 (sub-heading No. 5906.99), 65, 66 (sub-heading No. 6601.00), 67, 70 (sub-heading No. 7009.00), 84 (sub-heading Nos. 8402.10, 8403.10, 8404.10, 8405.10, 8406.10, 8407.00, 8408.00, 8410.10, 8411.10, 8412.10, 8413.19, 8413.80, 8414.40, 8414.80, 8416.10, 8417.10, 8420.10, 8421.10, 8424.80, 8425.00, 8426.00, 8428.90, 8429.00).

8430.00, 8435.10, 8438.10, 8439.10, 8440.10, 8441.10, 8444.00, 8445.00, 8446.00, 8447.00, 8448.10, 8449.10, 8450.90, 8451.10, 8453.10, 8454.10, 8455.10, 8456.00, 8457.00, 8462.00, 8464.00, 8465.00, 8468.10, 8472.00, 8474.10, 8475.10, 8477.10, 8478.10 and 8480.10), 85 (sub-heading Nos. 8501.00, 8504.00, 8513.00, 8514.00, 8521.00, 8523.12, 8533.00, 8534.00, 8535.00 and 8543.10), 87 (sub-heading Nos. 8701.90 and 8702.10), 89, 90 (sub-heading Nos. 9011.00, 9012.00, 9013.00, 9014.00, 9015.00, 9016.10, 9016.90, 9017.90, 9023.00, 9024.00, 9025.00, 9026.00, 9027.00, 9028.00, 9029.00, 9030.00, 9031.00, 9032.12, 9032.80, 9032.99 and 9033.00), 91 (sub-heading Nos. 9101.90 and 9102.90), 96 (heading No. 96.17)

- (c) change the mode of levy from, -

- (i) *advalorem* to specific in respect of goods falling under sub-heading No. 1703.10,
- (ii) specific cum *advalorem* to specific in respect of goods falling under sub-heading No. 2502.29, and
- (iii) from specific to *advalorem* in respect of goods falling under sub-heading No. 8540.12;

- (d) amend, substitute or insert Section titles, Section Notes, Chapter titles, Chapter Notes, Sub-heading Notes, heading or sub-heading Nos. and descriptions in the Central Excise Tariff Act in order to align the same with the First Schedule to the Customs Tariff Act, 1975, to the extent required, and to reduce the excise duty or rationalise the excise duty structure and also to incorporate in the Tariff itself the existing concessional rates of excise duty applicable with a view to make the duty structure more transparent, in respect of:

- (i) Section titles or Section Notes relating to Sections X, XV and XVII;
- (ii) Chapter titles, Chapter Notes, Heading or Sub-heading Notes relating to Chapters 7, 13, 15, 19, 25, 26, 28, 29, 30, 33, 34, 35, 37, 38, 39, 44, 46, 47, 48, 64, 70, 71, 72, 73, 84, 85, 87, 90 and 95;
- (iii) heading Nos. 13.01, 15.06, 19.01, 19.02, 19.04, 20.01, 21.03, 21.04, 22.04, 28.05, 28.11, 28.14, 28.44, 28.45, 28.51, 29.33, 29.34, 30.04, 32.15, 33.02, 38.05, 38.06, 38.18, 38.22, 38.23, 38.24, 39.23, 39.24, 40.05, 40.08, 44.04, 44.05, 47.02, 48.01, 48.02, 48.04, 48.05, 48.08, 48.11, 48.18, 48.23, 52.04, 68.07, 69.01, 70.02, 70.10, 71.01, 73.10, 73.26, 74.04, 74.18, 76.02, 79.07, 80.05, 82.09, 84.01, 84.19, 84.22, 84.42, 84.43, 84.58, 84.59, 84.60, 84.61, 84.63, 84.67, 84.69, 84.70, 84.73, 84.83, 84.84, 85.02, 85.10, 85.15, 85.17, 85.22, 85.24, 85.27, 85.28, 85.37, 85.39, 86.05, 86.06, 87.03, 87.04, 87.06, 88.02, 88.04, 90.04, 90.10, 90.21, 90.22, 94.02, 94.05 and 95.04;
- (iv) sub-heading Nos. 1903.10, 2102.10, 2804.12, 2804.19, 2804.21, 2804.29, 2804.31, 2804.32, 2804.33, 2804.39, 2804.40, 3005.30, 3307.50, 3307.60, 3401.13, 6401.12, 6401.13, 6401.92, 7204.21, 7204.29, 7308.50, 7408.12, 7408.22 and 8479.10;
- (e) define 'manufacture' in relation to goods covered under Chapters 18, 19, 20, 21, 28, 29, 34, 35, 38, 73;
- (f) define 'brand name' in relation to goods covered under Chapters 20, 30 (heading No. 30.04).

Clause 83 seeks to amend the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act so as to, —

- (a) reduce the additional duty of excise in respect of goods falling under the following heading Nos., namely : -
 heading No. 52.07 (except sub-heading No. 5207.10), 52.08 (except sub-heading No. 5208.10), 52.09 (except sub-heading No. 5209.10), 54.06 (except sub-heading No. 5406.10), 54.07 (except sub-heading No. 5407.10), 55.11 (except sub-heading No. 5511.10), 55.12 (except sub-heading No. 5512.10), 55.13 (except sub-heading No. 5513.10), 55.14 (except sub-heading No. 5514.10), 58.01 (sub-heading Nos. 5801.22 and 5801.32), 58.02 (sub-heading Nos. 5802.22, 5802.32 and 5802.52), 60.01 and 60.02 (except sub-heading Nos. 6002.10 and 6002.20),
- (b) increase the additional duty of excise in respect of goods falling under heading Nos. 24.03 (except sub-heading Nos. 2403.19 and 2403.31) and 24.04 (sub-heading Nos. 2404.31 and 2404.39).

Service tax

Clause 84 seeks to substitute sections 65, 66 and 68 and amend section 67 of the Finance Act, 1994, relating to service tax so as to levy a tax on services rendered by—

- (i) a consulting engineer to a client in relation to one or more disciplines of engineering;
- (ii) a custom house agent to a client in relation to the entry or departure of conveyances or the import or export of goods;
- (iii) a steamer agent to a shipping line in relation to a ship's husbandry or dispatch as well as the booking, advertising or canvassing of cargo including container feeder services;
- (iv) a clearing and forwarding agent to a client in relation to clearing and forwarding operations in any manner;

- (v) a manpower recruitment agency to a client in relation to the recruitment of manpower in any manner;
- (vi) an air travel agent to a customer in relation to the booking of passage for travel by air;
- (vii) a goods transport operator to a customer in relation to carriage of goods by road in a goods carriage;
- (viii) an outdoor caterer to a client in relation to catering at a place other than his own;
- (ix) a pandal or shamiana contractor to a client in relation to a pandal or shamiana in any manner including the services rendered as a caterer;
- (x) a mandap keeper to a customer in relation to the use of a mandap in any manner including the facilities provided to the customer in relation to such use as well as services, if any, rendered as a caterer; this also includes the hiring of hotel rooms, banquet halls, invitation halls, etc. on the occasion of weddings, business or social functions;
- (xi) a tour operator to any person in relation to a tour;
- (xii) a rent a cab scheme operator in relation to the renting of a cab.

Service tax is sought to be levied on the above services at the rate of five per cent. on the gross amount charged to the client or customer or any other person, as the case may be, provided by the consulting engineer, custom house agent, steamer agent, clearing and forwarding agent, manpower recruitment agency, air travel agent, goods transport operator, outdoor caterer, pandal or shamiana contractor, mandap keeper, tour operator or the rent a cab scheme operator.

This clause also seeks to further provide in section 68 of the Finance Act, 1994 that a person responsible for collecting the service tax, who fails to collect the service tax in accordance with the provisions of section 66 is liable to pay the same within 75 days from the end of the month in which the service was rendered and section 76 has been amended to provide for payment of penalty and interest in such cases.

Clause 85 seeks to substitute the First Schedule to the Indian Post Office Act, 1898 so as to provide for the revised rates for post cards, post cards containing printed communication, letter-cards, letters, book patterns and sample packets and parcels.

These revised rates will be effective from a date to be notified after the Finance Bill is passed.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to insert a new sub-section (2AB) in section 35 of the Income-tax Act relating to deduction in respect of expenditure on scientific research. The new sub-section proposes to provide for weighted deductions in respect of expenditure incurred by a company on in-house research and development facility. It seeks to empower the Central Board of Direct Taxes to notify the article or thing which may be manufactured or produced by a company for claiming weighted deduction under the said sub-section.

The new sub-section empowers the authority prescribed by the Board to approve the said in-house research and development facility. It also seeks to confer power upon the Board to prescribe the form in which and time within which the report shall be submitted to the Director General by the prescribed authority.

Clause 25 of the Bill seeks to amend section 80-IA of the Income-tax Act relating to deduction in respect of profits and gains from industrial undertakings, etc., in certain cases. The said clause proposes *inter alia* to amend provisions relating to deduction relating to hotels specified in section 80-IA of the Income-tax Act. Clause (e) of clause 25 empowers the Central Board of Direct Taxes to prescribe the authority for approving the hotels in respect of which exemption has been provided under section 80-IA.

The proposed amendments also seek to empower the Central Board of Direct Taxes to notify the industrial parks for availing exemption under the said section. The said clause also proposes to confer power upon the Central Government to frame the scheme relating to industrial parks which will be notified by the Board for the purpose of this section.

Clause 42 proposes to amend sub-section (1) of section 139 of the Income-tax Act to provide that a person who is residing in any area specified by the Board and who fulfils any two of the conditions specified in the proviso to sub-section (1) of section 139 shall also be required to furnish a return of income. One of such conditions is that such person is in occupation of an immovable property whether by way of ownership, tenancy or otherwise. It is proposed to empower the Central Board of Direct Taxes to specify the category or categories of the said immovable property which shall be considered as one of the conditions for the purpose. It is also proposed to empower the Board to specify by a notification in the Official Gazette the area in which such person fulfilling the said two conditions shall be required to file return. The proposed amendments also seek to empower the Board to prescribe the form and the manner in which the said return shall be filed by the said persons.

Clause 51 seeks to amend section 206 of the Income-tax Act so as to empower the Central Board of Direct Taxes to specify in the Official Gazette, the floppy, diskette, magnetic cartridge tape, CD-ROM or any other computer readable media on which returns may be filed.

Chapter IV (containing clauses 60 to 77) provides for scheme for voluntary disclosure of income and wealth.

The said Chapter empowers the Central Board of Direct Taxes to make rules to carry out the provisions of the proposed Chapter IV. The matters in respect of which rules may be made relate to prescribing the form in which a declaration may be made under sub-clause (1) of clause 62 or sub-clause (1) of clause 63, and the manner in which it may be verified.

Clause 78 of the Bill seeks to insert a new section 8B in the Customs Tariff Act, 1975. Sub-section (1) of the proposed section empowers the Central Government to impose a safeguard duty by notification in the Official Gazette. It further provides that no such duty shall be imposed on an article originating from a developing country unless the share of imports from that country is more than 3% of the total imports of articles into India. Clause (a) of sub-section (6) of the proposed section defines a developing country to mean a country notified by the Central Government in the Official Gazette.

Clause 80 of the Bill seeks to insert a new section 4A in the Central Excise Act. The proposed section empowers the Central Government to notify from amongst goods which are required under the Standards of Weights and Measures Act, 1976 or rules made thereunder or under any other law to declare the retail sale price on the package. Sub-section (2) of the proposed section provides for the factors that are required to be taken into account while allowing abatement on certain articles for calculating the retail sale price.

The matters in respect of which notification may be issued or rules may be made in accordance with the aforesaid provisions of the Bill are matters of procedure and detail and it is not practicable to provide for them in the Bill itself.

The delegation of legislative power is, therefore, of a normal character.

SHRI P. CHIDAMBARAM,
Ministry of Finance

S. GOPALAN,
Secretary-General.

